It was perhaps in the crucible of the anti-slavery lecture circuit that the real education of Douglass was earned. So great was Douglass' skill as an orator his fame soon overshadowed that of other able Negro spokesmen such as Charles L. Remond, Henry Highland Garnett and even caused tension between himself and some of his white colleagues. Three things contributed to his success as a spokesman: the inherent justice of his cause in a North growing increasingly doubtful of the wisdom of slavery, the vigor of his oratory and the drama of his person. A powerfully-built, strong-featured mulatto with a huge leonine head, Douglass' bearing was nobility itself. James Russell Lowell said that "the very look of Douglass was an irresistible logic against the oppression of his race."

In 1845 against the advice of his friends, Douglass decided to write an account of his life, fully aware of the possibility that this would mark him as the "Bailey, runaway slave of Thomas Auld." When his *Narrative of the Life and Times of Frederick Douglass* appeared in this same year, Douglass went to England and continued to speak out against slavery. English friends raised money to secure his formal freedom from his old master and two years later Douglass returned to America to start a newspaper, first called *The North Star*, and later *Frederick Douglass' Paper*. In his own words, Douglass managed "to keep my anti-slavery banner steadily flying during all the [slavery] conflict from the autumn of 1847 till the Union of the states was assured and Emancipation was a fact accomplished."

Shifting slowly from the spoken to the printed word, Douglass now moved even closer to direct action. In 1848 he joined the short-lived Liberty Party. During the early winter of 1850, he met with John Brown before his raid on Harper's Ferry and cautioned the latter, declaring that "from insurrection nothing can be expected but imprisonment and death." Douglass' prediction came true and Douglass himself had to live in Canada for a while.

When the impending crisis finally erupted in outright war, Frederick Douglass urged Lincoln to free the slaves and arm Negroes. He also recruited Negroes for the Union armies, among them his own sons.

When the Union emerged victorious, Douglass turned his attention to the status of the freedmen, urging education as a way out. Many of these ideas were read by Booker T. Washington and embodied in Tuskegee Institute. Douglass was also quite interested in universal suffrage, women's rights, and world peace. He held a variety of offices with the U.S. government, including that of Recorder of Deeds, Washington, D.C. and Minister to Haiti.

Frederick Augustus Douglass lived until 1895 and saw the pendulum of history swing from slavery toward the beginning of freedom.

SENATE—*Friday, February 16, 1968*

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Jack P. Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

Let us run with patience the race that is set before us. Hebrews 12: 1.

O God, Lord of men and of nations, to Thee we turn for peace and strength. Let this time, wisely set apart by this body to acknowledge Thee, be a time of fresh fellowship with Thee and a new experience of Thy presence and love. Come close to us and especially to the Members of this important group of dedicated men, and beyond the power of any human words spoken in prayer, meet our needs.

Here today we pray that Thou will quicken the minds and challenge the courage and illumine the spirit of those who have the responsibility of making decisions that ultimately determine our destiny as a nation.

In this place we are aware of our history, remembering great men and inspired decisions of the past and present. We also feel conscious of another presence that has been here throughout our history and we feel is here now, even Thy presence. For this we are thankful and we renew our loyalty to Thee in this hour.

Be with those brave men who represent us in the fields of battle as well as those who represent us here. Hasten the day when wars shall cease to the ends of the world. Thank Thee for Thy help, O Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 15, 1968, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on February 14, 1968, the President had approved and signed the following acts:

S. 491. An act to determine the rights and interests of the Navajo Tribe and the Ute Mountain Tribe of the Ute Mountain Reservation in and to certain lands in the State of New Mexico, and for other purposes; and

S. 1542. An act to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD AT CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized at the conclusion of the transaction of routine morning business.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH ON WEDNESDAY, FEBRUARY 21

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Wednesday next the distinguished Senator from Idaho [Mr. CHURCH] be allowed to proceed for 1 hour at the conclusion of the transaction of routine morning business.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

U.S. AIR FORCE

The bill clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The bill clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The bill clerk read the nomination of Harold L. Oppenheimer to be brigadier general.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN AIR FORCE, ARMY, AND MARINE CORPS

The bill clerk proceeded to read sundry nominations in the Air Force, the Army, and the Marine Corps.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed, en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair appoints the following Senators, under authority of Public Law 86–42, to attend the Canada-United States Interparliamentary Conference to be held at Washington, D.C., on March 20–24, 1968: AIKEN (Chairman), ELLENDER, STENNIS, MANSFIELD, LONG of Louisiana, TYDINGS, SPONG, HICKENLOOPER, COOPER, JORDAN of Idaho, FONG, and GRIFFIN.

The Chair, under the authority of Public Law 86–420, appoints the following Senators to attend the Mexico-United States Interparliamentary Conference, to be held in Honolulu, Hawaii, on April 11–17, 1968: SPARKMAN (Chairman), MANSFIELD, GORE, YARBOROUGH, INOUYE, MONTOYA, MONDALE, SMITH, FANNIN, FONG, HANSEN, and BAKER.

The Chair appointed the following Senators to attend the 18-Nation Disarmament Conference which was held at Geneva, Switzerland, on January 18, 1968; PASTORE, GORE, RIBICOFF, HICKENLOOPER, CARLSON, and COOPER.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF PROCEEDINGS CONCLUDED UNDER INDIAN CLAIMS COMMISSION ACT

A letter from the Commissioner, Indian Claims Commission, transmitting, pursuant to law, the proceedings under the Indian Claims Commission Act that have been finally concluded (with an accompanying report); to the Committee on Appropriations.

PERMISSION OF FEDERAL EMPLOYEES TO PURCHASE SHARES OF FEDERAL OR STATE CHARTERED CREDIT UNIONS THROUGH VOLUNTARY PAYROLL ALLOTMENT

A letter from the Chairman of the U.S. Civil Service Commission, expressing adverse reaction to the bill H.R. 6157, to permit Federal employees to purchase shares of Federal or State chartered credit unions through voluntary payroll allotment; to the Committee on Banking and Currency.

REPORT UNDER EXPORT CONTROL ACT OF 1949

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, the 82d quarterly report under the Export Control Act of 1949, for the fourth quarter, 1967 (with an accompanying report); to the Committee on Banking and Currency.

REPORT UNDER FAIR PACKAGING AND LABELING ACT

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, developments under the Fair Packaging and Labeling Act of November 3, 1966, for the fiscal year 1967 (with accompanying papers and report); to the Committee on Commerce.

REPORT OF PROPERTY DISPOSED OF UNDER FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, a report covering personal property donated to public health and educational institutions and civil defense organizations and real property disposed of to public health and educational institutions for the period, July 1 through December 31, 1967 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings available if shipping containers for military electronic equipment are reused, Department of the Army, dated February 15, 1968 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT IN HOT SPRINGS NATIONAL PARK, ARK.

A letter from the Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in Hot Springs National Park, Ark. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES AND THE ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, the annual report of the Director and the reports of the annual and special meetings of the Judiciary Conference of the United States for 1967 (with accompanying reports); to the Committee on the Judiciary.

REPORT OF UPPER GREAT LAKES REGIONAL COMMISSION

A letter from the Federal Cochairman, and State Cochairman, Upper Great Lakes Regional Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year 1967 (with an accompanying report); to the Committee on Public Works.

REPORT OF PROJECTS COMMITTEE, NATIONAL RIVERS AND HARBORS CONGRESS

A letter from the Assistant Secretary, National Rivers and Harbors Congress, transmitting, for the information of the Senate, a report of the Projects Committee of that organization (with accompanying papers); to the Committee on Public Works.

JOINT RESOLUTION CALLING ON THE BOY SCOUTS OF AMERICA TO SERVE THE YOUTH OF THE NATION—REPORT OF A COMMITTEE—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. YARBOROUGH. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the joint resolution (S.J. Res. 138) calling on the Boy Scouts of America to serve the youth of this Nation as required by their congressional charter. The joint resolution was ordered reported out of the committee on yesterday, February 15, 1968. In reporting the joint resolution, there was no written report. There was unanimous support for ordering the joint resolution reported by the committee.

This is a joint resolution on the 52d anniversary of the chartering of the Boy Scouts of America by Congress, calling upon the Boy Scouts of America to extend its field of service.

I ask unanimous consent that the names of all members of the Committee on Labor and Public Welfare, of both parties, be added as cosponsors of the resolution as reported, and that their names be added on subsequent printings of the joint resolution.

The VICE PRESIDENT. The joint resolution will be placed on the calendar; and, without objection, the names will be added, as requested by the Senator from Texas.

The names, ordered to be added on subsequent printings of the joint resolution, are as follows: Senators HILL, MORSE, CLARK, RANDOLPH, WILLIAMS of New Jersey, PELL, KENNEDY of Massachusetts, NELSON, KENNEDY of New York, JAVITS, PROUTY, DOMINICK, MURPHY, FANNIN, and GRIFFIN.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MCCLELLAN (by request):

S. 2980. A bill to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government; and

S. 2981. A bill to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. MCCLELLAN when he introduced the above bills, which appear under separate headings.)

By Mr. INOUYE:

S. 2982. A bill for the relief of Lee Wang; and

S. 2983. A bill for the relief of Chon Ah Show; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 2984. A bill to prevent the importation of endangered species of wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

S. 2980—INTRODUCTION OF BILL TO EXTEND THE PERIOD WITHIN WHICH THE PRESIDENT MAY TRANSMIT TO THE CONGRESS REORGANIZATION PLANS

Mr. MCCLELLAN. Mr. President, at the request of the Director of the Bureau

of the Budget, I introduce, for appropriate reference, a bill to extend until December 31, 1972, the authority of the President to submit reorganization plans pursuant to chapter 9 of title 5 of the United States Code, formerly referred to as the Reorganization Act of 1949, as amended.

Similar authority has been made available to Presidents, with few lapses, since 1932. The President's current authority to submit reorganization plans will expire on December 31, 1968. This bill would extend this authority for an additional 4 years. No other change in existing law is proposed.

I ask unanimous consent that the text of the bill and a letter from the Director of the Bureau of the Budget by printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 2980) to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, introduced by Mr. MCCLELLAN, by request, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 905(b), title 5, United States Code, is amended by striking out "December 31, 1968", and inserting in lieu thereof "December 31, 1972".

The letter, presented by Mr. MCCLELLAN, is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., January 27, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The reorganization statute (chapter 9 of title 5 of the United States Code) provides that the President "shall from time to time examine the organization of all agencies and shall determine what changes therein are necessary" to accomplish various purposes, including more effective management, reduction in expenditures, and elimination of duplication. The responsibility vested in the President by the statute is indefinite.

The President is also authorized to prepare and transmit to the Congress reorganization plans necessary to carry out the purposes of the statute. However, under present law, a reorganization plan may take effect only if the plan is transmitted to the Congress before December 31, 1968.

I urge that the Congress extend for four years the period during which reorganization plans may be transmitted to the Congress. To accomplish this there is transmitted herewith a draft of legislation, "To amend chapter 9 of title 5 of the United States Code, relating to executive reorganization."

The continuing need for authority granted by the reorganization statute is clear. Similar authority has been available with few lapses since 1932, and each President has used it to improve the organization and operations of the Federal Government.

The obligation of the President to see that the new programs of recent years as well as older programs are well administered and coordinated and to insure that our agencies are most effectively organized is unquestionable. The procedure set forth in the reorganization statute provides an important, workable, and time-tested means to assist the President in fulfilling his obligation.

The creation of sound machinery to administer our laws is not an easy task, and it is never finished. The increasing complexity of modern life, the rapid growth of our population, and our commitment to the new programs of recent years make the task harder but more important. As the President said in his letter to the Congress on this subject two years ago, "Government has a responsibility to its citizens to administer their business with dispatch, enthusiasm, and effectiveness." The reorganization statute is a vital tool in achieving that goal.

I know the Congress repeatedly has recognized the importance of the statute and the need for an ever-continuing study of the organization of the Federal Government. Therefore, I urge prompt action by the Congress on the proposed amendment of the reorganization statute.

Sincerely,

CHARLES L. SCHULTZE,
Director.

Enclosure.

A bill to amend chapter 9 of title 5 of the United States Code, relating to executive reorganization

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 905 of title 5 of the United States Code, is hereby amended by striking out "1968" and inserting in lieu thereof "1972".

S. 2981—INTRODUCTION OF BILL TO EXPEDITE PROCEDURES FOR CERTAIN FEDERAL ASSISTANCE PROGRAMS

Mr. MCCLELLAN. Mr. President, I introduce, by request, a bill to provide temporary authority for expediting procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes.

This bill was drafted by the Bureau of the Budget and submitted to the President of the Senate for introduction, in order that the objectives enumerated in the President's message of March 17, 1967, on the quality of American Government may be fulfilled. The President of the United States recommended that legislation be enacted to permit "Federal agencies to combine related grants into a single financial package, thus simplifying the financial and administrative procedures—without disturbing, however, the separate authorization, appropriations, and substantive requirements for each grant-in-aid program."

The purpose of the proposed legislation is to remove or simplify certain administrative and technical impediments which hamper or prevent the consideration, processing, approval and administration of projects which draw upon resources available from more than one Federal agency, program or appropriation. This bill would enable the State and local governments and other public or private agencies to use Federal financial assistance under two or more programs in support of multiple-purpose projects. Under this bill—

Federal agency heads would be authorized to establish uniform requirements of certain provisions of law so that jointly funded projects would not have to be subject to conflicting rules and regulations;

In appropriate cases, Federal agencies would have authority to delegate to other agencies power to approve portions of projects in their behalf;

Federal agency heads could establish joint management funds in their agencies to finance multiple-purpose projects drawing upon appropriations from several different accounts;

The President would prescribe appropriate regulations for, and approve agency delegations of power and functions under this act. He would make reports to the Congress on actions taken, and make recommendations for additional legislative action, including proposals for consolidation, simplification or coordination of grant programs.

The Joint Funding Simplification Act of 1948, would not, except as specifically provided, affect substantive provisions of law relating to Federal assistance programs but would provide a legal basis for consolidating some of the financial procedures under centralized direction and control.

Mr. President, I ask unanimous consent that the text of the bill and a letter dated August 11, 1967, addressed to the President of the Senate from the former Director of the Bureau of the Budget, be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 2981) to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes introduced by Mr. MCCLELLAN, by request, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Joint Funding Simplification Act of 1968".

PURPOSE

SEC. 2. The purpose of this Act is to enable States, local governments and other public or private organizations and agencies to use Federal assistance more effectively and efficiently, to adapt that assistance more readily to their particular needs through the wider use of projects drawing upon resources available from more than one Federal agency, program or appropriation and to acquire experience which would lead to the development of legislative proposals respecting the consolidation, simplification and coordination of Federal assistance programs. It is the further purpose of this Act to encourage Federal-State arrangements under which local governments and other public or private organizations and agencies may more effectively and efficiently combine State and Federal resources in support of projects of common interest to the governments, agencies and organizations concerned.

BASIC RESPONSIBILITIES OF THE HEADS OF FEDERAL AGENCIES

SEC. 3. (a) In order to carry out the purposes of this Act and subject to such regulations as the President may prescribe, the heads of Federal agencies may take actions, by internal agency order or interagency agreement, including but not limited to:

(1) identification of related programs likely to be particularly suitable or appropriate for providing joint support for specific kinds of projects;

(2) development and promulgation of guidelines, model or illustrative projects, joint or common application forms, and other materials or guidance to assist in the planning and development of projects drawing support from different programs;

(3) review of administratively established program requirements in order to determine which of those requirements may impede support of projects and the extent to which these may be appropriately modified, and making modifications accordingly;

(4) establishment of common technical or administrative rules among related programs to assist in the joint use of funds in the support of specific projects or classes of projects; and

(5) creation of joint or common application processing and project supervision procedures or mechanisms including procedures for designating lead agencies to assume responsibilities for processing on behalf of several agencies and for designation of managing agencies to assume responsibilities for project supervision on behalf of several agencies.

(b) The head of each Federal agency shall be responsible for taking actions, to the maximum extent feasible under applicable law, which will further the purposes of this Act with respect to Federal assistance programs administered by his agency. Each Federal agency head shall also consult and cooperate with the heads of other Federal agencies in order similarly to promote the purposes of this Act with respect to Federal assistance programs of different agencies which may be used together or jointly in support of projects undertaken by State or local governments or other public or private agencies and organizations.

APPLICATION PROCESSING

SEC. 4. Actions taken by Federal agencies pursuant to this Act which relate to the processing of applications or requests for assistance under two or more Federal programs in support of any project shall be designed to assure, so far as reasonably possible (1) that all required reviews and approvals are handled expeditiously; (2) that full account is taken of any special considerations of timing that are made known by the applicant that would affect the feasibility of a jointly funded project; (3) that the applicant is required to deal with a minimum number of Federal representatives acting separately or as a common board or panel; (4) that the applicant is promptly informed of decisions with respect to his application and of any special problems or impediments which may affect the feasibility of Federal provision of assistance on a joint basis; and (5) that the applicant is not required by representatives of any one Federal agency or program to obtain information or assurances concerning the requirements or actions of another Federal agency which could better and more appropriately be secured through direct communication among the Federal agencies involved.

SPECIAL AUTHORITIES—BASIC CONDITIONS

SEC. 5. Where appropriate to further the purposes of this Act, and subject to the conditions prescribed in this section, heads of Federal agencies may use the authorities described in sections 6, 7 and 8 (relating to the establishment of uniform technical or administrative requirements, delegation of powers and responsibilities, and establishment of joint management funds) with respect to projects assisted under more than one Federal assistance program. These authorities shall be exercised only pursuant to regulations prescribed by the President. Those regulations shall include criteria or procedures to assure the authorities are limited in use to problems that cannot be adequately dealt with through other actions pursuant to this Act or other applicable law; that they are applied only as necessary to promote expeditious processing or effective and efficient administration; and that they are applied consistent with the protection of the Federal interest and with program purposes or statutory requirements of a substantive nature.

ESTABLISHMENT OF UNIFORM TECHNICAL OR ADMINISTRATIVE REQUIREMENTS

SEC. 6. (a) In order to provide for projects which would otherwise be subject to varying or conflicting technical or administrative provisions of law, the heads of Federal agencies may adopt uniform provisions respecting:

(1) inconsistent or conflicting requirements relating to financial administration, including accounting, reporting and auditing, and maintaining separate bank accounts, but only to the extent consistent with the requirements of section 8;

(2) inconsistent or conflicting requirements relating to the timing of Federal payments where a single or combined schedule is to be established for the project as a whole;

(3) inconsistent of conflicting requirements that assistance be extended in the form of a grant rather than a contract, or a contract rather than a grant.

(4) inconsistent or conflicting requirements for merit personnel systems, but only to the extent that the combination of assistance contemplated would cause those requirements to be applied to portions of projects administered by agencies not otherwise subject to such requirements;

(5) inconsistent or conflicting requirements relating to accountability for, or the disposition of, property or structures acquired or constructed with Federal assistance where common rules are to be established for the project as a whole; and

(6) other inconsistent or conflicting requirements of an administrative or technical nature, as defined in regulations of the President and subject to such conditions as he may prescribe.

(b) In order to permit processing of applications in accordance with the purposes of this Act, Federal agency heads may provide for review of proposals for projects by a single panel, board or committee in lieu of review by separate panels, boards, or committees when such review would otherwise be required by law.

(c) In promoting the more effective and efficient use of Federal assistance resources, Federal agency heads may waive requirements that a single or specified public agency be utilized or designated to receive, supervise or otherwise administer a part of the Federal assistance drawn upon by any jointly funded project to the extent that administration by another public agency is determined to be fully consistent with applicable State or local law and with the objectives of the Federal assistance program involved. This authority may be exercised only upon (1) request of the head of a unit of general government, with respect to agencies which he certifies to be under his jurisdiction, or (2) with the agreement of the several State or local public agencies concerned.

DELEGATION OF POWERS

SEC. 7. With the approval of the President, agency heads may delegate to other Federal agencies any powers relating to the approval, under this Act, of projects or classes of projects under a program if such delegation will promote the purposes of that program. Agency heads may also delegate to other Federal agencies powers and functions relating to the supervision of administration of Federal assistance, or otherwise arrange for other agencies to perform such activities, with respect to projects or classes of projects subject to this Act. Delegations under this section shall be made only on such conditions as may be appropriate to assure that the powers and functions delegated are exercised in full conformity with applicable statutory provisions and policies.

FUNDING ARRANGEMENTS AND PROCEDURES

SEC. 8. (a) In order to provide for the more effective administration of funds drawn from more than one Federal program or appropriation in support of projects under this Act, there may be established joint management funds with respect to such projects. The total amount approved for such a project may be accounted for through a joint management fund as if the funds had been derived from a single Federal assistance program or appropriation. There will be advanced to the joint management fund from each affected appropriation, from time to time, its proportionate share of amounts needed for payment to the grantee. Any amounts remaining in the hands of the grantee at the completion of the project shall be returned to the joint management fund.

(b) Any account in a joint management fund shall be subject to such agreements, not inconsistent with this section and other applicable law, as may be entered into by the Federal agencies concerned with respect to the discharge of the responsibilities of those agencies and shall assure the availability of necessary information to those agencies and to the Congress. These agreements shall also provide that the agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund; and may include procedures for determining, from time to time, whether amounts in the account are in excess of the amounts required, for returning that excess to the participating Federal agencies in accordance with a formula mutually acceptable as providing an equitable distribution, and for effecting returns accordingly to the applicable appropriations, subject to fiscal year limitations. Excess amounts applicable to expired appropriations will be lapsed from that fund.

(c) For each project financed through a joint management fund established pursuant to this section, the recipients of moneys drawn from the fund shall keep such records as the head of the Federal agency responsible for administering the fund will prescribe. Such records shall, as a minimum, fully disclose the amount and disposition by such recipients of Federal assistance received, the total cost of the project in connection with which such Federal assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(d) The head of the Federal agency responsible for administering such joint management fund and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the moneys received from such fund.

(e) In the case of any project covered in a joint management fund, a single non-Federal share may be established according to the Federal share ratios applicable to the several Federal assistance programs involved and the proportion of funds transferred to the project account from each of those programs.

AUXILIARY PROVISIONS

SEC. 9. (a) Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects proposed or approved for joint or common funding involving that program and any other Federal assistance program.

(b) Personnel of any Federal agency may be detailed from time to time to other agencies as necessary or appropriate to facilitate the processing of applications under this Act or the administration of approved projects.

FEDERAL-STATE ASSISTANCE AND AGREEMENTS

SEC. 10. Subject to such regulations as the President may prescribe, Federal agencies may enter into agreements with States or State agencies as appropriate to extend the benefits of this Act to projects involving assistance from one or more Federal agencies and one or more State agencies. These agreements may include arrangements for the processing of requests for, or the administration of, assistance to such projects on a joint basis. They may also include provisions covering the establishment of uniform technical or administrative requirements, as authorized by this Act.

AUTHORITY OF THE PRESIDENT

SEC. 11. In addition to powers and authority otherwise conferred upon him by this Act or other law, the President may take such action, prescribe such procedures, and promulgate such rules as may be necessary or appropriate to assure that this Act is applied by all Federal agencies in a consistent manner and in accordance with its purposes. He may, for this purpose, require that Federal agencies adopt or prescribe procedures that will assure that applicants for assistance to projects under this Act make appropriate efforts (1) to secure the views and recommendations of non-Federal agencies that may be significantly affected by such projects, including units of general government, and (2) to resolve questions of common interest to those agencies prior to submission of any application. The President shall also, from time to time, make reports to the Congress on actions taken under this Act and make such recommendations for additional legislative action as he may deem appropriate, including recommendations for the consolidation, simplification and coordination of Federal assistance programs.

DEFINITIONS

SEC. 12. As used in this Act—

(1) "Federal assistance programs" are programs that provide assistance through grant or contractual arrangements, and include technical assistance programs or programs providing assistance in the form of loans, loan guarantees or insurance.

(2) "Applicant" includes one or more State or local governments or other public or private agencies or organizations acting separately or together in seeking assistance with respect to a single project.

(3) "Project" includes any undertaking, however characterized and whether of a temporary or continuing nature, which includes components proposed or approved for assistance under more than one Federal program, or one or more Federal and one or more State programs, if each of those components contributes materially to the accomplishment of a single purpose or closely related purposes.

(4) "Federal agency" includes any agency in the executive branch of the Government.

(5) "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands and American Samoa.

EFFECTIVE DATE AND EXPIRATION

SEC. 13. This Act shall become effective one hundred and twenty days following the date of enactment and shall expire three years after it becomes effective, but its expiration shall not affect the administration of projects previously approved.

The letter, presented by Mr. MCCLELLAN, is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., August 11, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: We are transmitting herewith for appropriate consideration the proposed "Joint Funding Simplification Act of 1967."

This proposal was drafted in response to the President's request—in his March 17 Message on the Quality of American Government—for legislation that would make it possible ". . . for Federal agencies to combine related grants into a single financial package, thus simplifying the financial and administrative procedures—without disturbing, however, the separate authorizations, appropriations, and substantive requirements for each grant-in-aid program."

A number of Federal assistance programs which finance different activities can often be brought together in a single project to support similar or directly related purposes. Such combinations of related programs would enable State and local governments and other grantees to use the wide variety of Federal assistance programs more effectively and efficiently.

However, such combinations cannot be "packaged" and administered easily under existing laws and regulations. Each Federal grant program may have different requirements in such matters as application forms, accounting procedures, advisory panels, reporting dates, etc. Further, the grantees must often work with several Federal agencies (or constituent elements of a single agency)—each with its own distinct administrative practices. As a result, considerable effort is required and significant delays are encountered.

The purpose of this proposal is to remove or simplify certain administrative and technical impediments which hamper or prevent the consideration, processing, approval and administration of projects which draw upon resources available from more than one Federal agency, program or appropriation. The Act would enable State and local governments and other public or private agencies to use Federal financial assistance under two or more programs in support of multi-purpose projects. Under the bill:

Federal agency heads would be authorized to establish uniform requirements respecting technical or administrative provisions of law so that jointly funded projects would not have to be subject to varying or conflicting rules or procedures;

In appropriate cases, Federal agencies would have authority to delegate to other agencies power to approve portions of projects on their behalf;

Federal agency heads could establish joint management funds in their agencies to finance multi-purpose projects drawing upon appropriations from several different accounts;

The President would prescribe appropriate regulations for, and approve agency delegations of power and functions under the Act. He would make reports to the Congress on actions taken, and make recommendations for additional legislative action, including proposals for consolidation, simplification or coordination of grant programs.

The Act would expire after three years.

The Joint Funding Simplication Act of 1967 would not, except as specifically provided, affect substantive provisions of law relating to Federal assistance programs such as eligibility criteria, maintenance of effort, matching ratios, authorization levels, program availability, etc. Problems presented by the diversity in such provisions as these would be studied in connection with proposals for grant consolidation. In the Message on the Quality of American Government, the President also requested the Director of the Bureau of the Budget "to review the range of Federal grant-in-aid programs to determine . . . areas in which a basic consolidation of grant-in-aid authorizations, appropriations, and statutory requirements should be carried out." That effort is now underway. Experience gained under the Joint Funding Simplification Act will be of great assistance in the development of a workable grant consolidation program.

Sincerely,

CHARLES L. SCHULTZE,
Director.

S. 2984—INTRODUCTION OF BILL TO PROTECT ENDANGERED SPECIES OF THE WORLD

Mr. YARBOROUGH. Mr. President, the growing population of America, and of the world, has created many problems of population, decreasing available land, pollution, and the endangering of a growing number of species of wildlife. In America, concern is growing for the protection of these species, which are becoming every day more rare, through population growth and through carelessness.

In America, we have expressed our concern in such special programs as are now restoring the western bison, the whooping crane, the American bald eagle, and other vanishing species. These programs have been effective in more ways than one, for they have brought to the attention of our public the plight of such beautiful and distinctive animals, while they have gone far to prevent the eradication of the species themselves.

Like these well-known American species, though, the distinctive species of other nations are becoming scarcer. As man acquires and develops the country they inhabit, they kill increasing numbers of the wildlife for food, fur, or simple decoration.

Today, Americans go to their local zoos in increasing numbers; they attend movies and watch television, to see the wildlife that is so intimately connected with the beauties of our natural world. And, increasingly, they are informed that these are species in imminent danger of extinction. The leopard, a favorite for lush coats and distinctive decoration; the polar bear, the most distinctive form of life in the polar regions; the elephant, largest land animal; the whale, extolled by famed American author Herman Melville; and the rhesus monkey, which has been so invaluable in medical research—all these invaluable, irreplaceable species are in danger because of unregulated destruction.

In the last session of Congress, I introduced Senate Concurrent Resolution 41, to convene an international conference on wildlife conservation. Since then, I have been confronted by a great gap in America's own protection of the world's endangered species.

There are, indeed, regulations within the countries of Africa, the East, and Europe, for the preservation of these species. There are almost everywhere animal preserves where only a limited

quota of animals may be taken for exportation or other purposes. Yet, these rules are almost impossible to enforce, when in countries like America the horns and hides of these animals are sold for high prices, without regard to origin. As we here in America are finding it difficult to preserve our native alligator, because there is no law to prevent its sale in interstate commerce, so are the African and Asian nations in turn finding their own problems next to impossible to solve, as long as people continue to buy, and pay the high prices asked, for these rare and beautiful, although often illegal, goods.

It is for such a purpose that I today introduce here in the Senate a bill to prevent the importation of endangered species of fish and wildlife into the United States, and to prevent interstate shipment of our native wildlife taken contrary to State law. This bill, introduced in the House by Representative ALTON LENNON, of North Carolina, and proposed also by Representative DINGELL, of Michigan, both outstanding leaders in conservational legislation, would bring America into a leadership role in the conservation of world wildlife. It would eliminate the United States as a major market for endangered wildlife, and bring about a decline in the traffic in vanishing or illegally obtained species.

The problem, Mr. President, is this: It would be illegal in a foreign country to take these animals, which are nearly extinct. But once the trappers take them illegally and get them out to bootleg exporters, we pay fabulous prices for the illegally taken hide of a rare species, nearly extinct.

The bill is designed to prevent the importation of illegally taken hides. The need for such protection in America has become increasingly acute during the last few years, as our growing fashion market has utilized and advertized the exotic furs over those grown for the purpose. The furs of endangered species are used, while we have excellent domestic mink and other furs, and our exceedingly accurate and beautiful synethetic furs which could be used. Domestic mink is produced from mink farms where they are not about to exterminate a species. We also have the beautiful synthetic furs that could be used.

I am not against the use of furs but I am concerned with the extinction of rare animals. If the present practice is continued without regulation, it would soon erase from the earth most of the beautiful animals man enjoys, especially through color television where these rare animals can be seen by many children in their natural habitat.

Such a trend of taking the furs of these nearly extinct animals and selling them on the market has become an increasing danger to the world's wildlife. One measure of the effect was given recently in testimony before the House's Committee on Merchant Marine and Fisheries by Dr. Stanley A. Cain, Assistant Secretary for Fish and Wildlife and Parks. He mentioned that, in Kennedy Airport in New York, there were in a period of just 77 days 334 declarations of imported live wildlife from June 26 to September 11. These included Galapagos tortoises, orangutans, and timber wolves, all seriously endangered species. The figure did not include hides or other parts of animals imported into this country.

A notable book, "Animal Gardens," written and researched by well-known American authoress Emily Hahn, carried a chapter on the conditions which she inspected personally in Florida, in warehouses of animal dealers in that State. She viewed such species as the rare Australian skink, maltreated and dying, in crowded, smelly warehouses, while animals found in lesser quantities were treated with the care that betokens great profits to be gained. She described also the monkey hunts in tropical forests, where more monkeys are killed than are saved, by natives who are paid token sums in comparison to the final profit to the dealer.

The world has become more and more aware of the need for protection of its disappearing wildlife, and many countries have instituted comprehensive programs for this protection. India, for one, provides leadership in this field, having long held animals of different species to be an important and valuable part of the environment which man inhabits.

Also doing valuable work in the field is the Soviet Union, creating dangerous possibilities of a new "lag"—the species gap. Or, more seriously, a disappointing lapse of conscience on the part of America. Recently instituted in Russia is the animal census, for purposes of controlling killing of their rare species, and for utilization of the abundant wild game there. This indicates great advances in the value given to wildlife: for, as has been pointed out by international conservationist organizations such as the International Union for the Conservation of Nature and Natural Resources, further use in their native country of African wildlife could greatly profit the developing nations by increasing tourist trade, as well as feeding the people where vegetation is insufficient to support the more delicate domestic animal.

Mr. President, research in connection with meat production in areas of Africa has shown that they can raise more meat per acre if they leave the native plants and animals than if they bulldoze those plants down and place cattle in there. They have small gazelles and antelopes that can eat from branches on the lower levels; they have browsers that can eat higher up; and they have giraffes that can eat from the branches that are still higher. They have hoofed animals that produce meat and that eat grass and shrubs up through about four levels, whereas domestic cows graze on the ground. All of this shows that they can get more meat per acre if they leave more of the plants and animals than if they kill them all off and introduce domestic species.

It is time that America stopped her wastefulness in the lives of our world's endangered species, and acted in the interests of the species which may soon vanish from the earth. America has represented the cause of conservation to the world, and has encouraged protection of species by their mother countries through many conservationist organizations. But she has at the same time allowed the commerce which is the basic cause of danger to these species to continue here at home. Thus, the time has come for America to end her dual front to the world, and to act sincerely to promote the interests she has taken up, by preventing further exploitation of vanishing species in her own backyard.

Mr. President, I am pleased to introduce this bill at this time, when the distinguished Senator from Virginia [Mr. BYRD] is the Presiding Officer, because when his father was here he was one of the leading conservationists in this body. He was a great exponent of national parks, such as the Shenandoah National Park, and he gave me much assistance in connection with the development of the seashore areas, and particularly Padre Island, in Texas. He rendered many services in connection with furthering the national park system, and this was one of his great achievements in the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2984) to prevent the importation of endangered species or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no person shall import into the United States, its territories or possessions, or the Commonwealth of Puerto Rico, any species or subspecies of fish or wildlife or parts thereof which the Secretary of the Interior determines to be threatened with extinction, except as provided in subsection (b) of this section. A species or subspecies of fish or wildlife shall be regarded as threatened with extinction whenever the Secretary of the Interior finds, after consultation with the affected foreign country, and when appropriate, with the International Union for the Conservation of Nature and Natural Resources, that its existence is endangered because its habitat is threatened with destruction, drastic modifications, or severe curtailment, or because of commercial exploitation, through exports and imports of animals and parts thereof, or by other means, or because of disease, predation, or other factors. He shall, from time to time, publish in the Federal Register the names of the species or subspecies of fish or wildlife found to be threatened with extinction under this section.

(b) The Secretary of the Interior may permit, under such terms and conditions as he may prescribe, the importation of any species or subspecies of fish or wildlife or parts thereof that are threatened with extinction for zoological, educational, and scientific purposes.

(c) For the purposes of facilitating enforcement of this section and reducing the costs thereof, the importation of all fish or wildlife and the parts thereof into any port in the United States, except such as may be designated by the Secretary of the Interior with the approval of the Secretary of the Treasury as ports of entry for vessels or aircraft, is prohibited.

(d) The Secretary of the Interior shall prescribe by regulations such terms and conditions as he shall deem necessary to implement his administration of the foregoing provisions of this section. The Secretary of the Treasury shall, in accordance with such regulations as he may prescribe, enforce the foregoing provisions and any regulations of the Secretary of the Interior issued with respect to importations subject to the provisions of this section. Any person who violates any provision of this section or the regulations of the Secretary of the Interior issued thereunder or any permit provision shall, upon conviction, be fined not more than $500 or imprisoned not more tha six months, or both. Any person authorized to enforce the provisions of this section and the regulations prescribed thereunder or any provision of a permit may, with or without a warrant, arrest any person who violates such provisions or regulations in his presence or view, and may execute any warrant or other process issued by any officer or court of competent jurisdiction, and may, with a search warrant or as incident to a lawful arrest, or incident to the arrival from outside the customs territory of the United States of any merchandise or person, search for and seize any fish or wildlife or parts thereof or property taken, used, or possessed in violation of said laws, or regulations. Anything so seized shall be held by such person or by the United States marshal pending disposition of the case by the court. Any fish or wildlife or parts thereof seized shall be forfeited to the Secretary of the Interior to be disposed of in such manner as he deems appropriate; and, upon conviction, any property seized may be forfeited to the United States or otherwise disposed of by the court.

(e) As used in this section—

(1) the term "fish or wildlife" means any wild mammal, fish, wild bird, amphibian, reptile, mollusk, or crustacean;

(2) the term "person" means an individual, corporation, association, organization, or partnership.

SEC. 2. (a) Section 43 of title 18, United States Code, is amended by deleting the words "wild mammal or bird" in paragraphs 1 and 2 and inserting "wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean".

(b) Section 43 of Title 18, United States Code, is amended by inserting a new paragraph after the second paragraph in said section to read as follows:

"Whoever knowingly transports or ships, or causes to be transported or shipped in interstate or foreign commerce, or knowingly sells or causes to be sold, any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean or parts thereof which were captured, killed, taken, purchased, sold, or otherwise possessed or transported in any manner contrary to this section or any Act of Congress or regulations issued thereunder or contrary to the laws or regulations of any State, District of Columbia, Commonwealth of Puerto Rico, possession of the United States, or foreign country, or knowingly sells or causes to be sold any products manufactured, made or processed from such wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean or parts thereof; or;"

(c) The last paragraph in section 43 of title 18, United States Code, is amended to read as follows:

"Shall be fined not more than $1000 or imprisoned for not more than six months, or both; and the wild mammals, wild birds, amphibians, reptiles, mollusks, or crustaceans, or the dead bodies or parts thereof, or the offspring or eggs thereof, shall be forfeited.".

SEC. 3. Section 3054 of title 18, United States Code, is amended by inserting "42," after "to enforce sections" and by inserting a comma after "43".

SEC. 4. Section 3112 of title 18, United States Code, is amended by inserting "42", after "to enforce sections" and by inserting a comma after "43".

SEC. 5. The first paragraph in section 44 of title 18, United States Code, is amended by deleting "wild animals or birds, or the dead bodies or parts thereof," and inserting "any wild mammal, wild bird, amphibian, or reptile, or the dead bodies or parts thereof, or any mollusk or crustacean,".

SEC. 6. (a) Section 2 of the Black Bass Act (44 Stat. 576), as amended (16 U.S.C. 852), is amended—

(1) by inserting before the words "any foreign country" the words "or from"; and

(2) by inserting after the words "District of Columbia" the words "or any foreign country".

(b) Section 3 of the Black Bass Act (46 Stat. 846), as amended (16 U.S.C. 852a), is amended by deleting the comma after "commerce" and inserting therein "or foreign commerce,".

(c) Section 6(a) of the Black Bass Act (46 Stat. 846), as amended (16 U.S.C. 852d(a)) is amended by changing the words "any employee of the Department of the Interior to enforce the provisions of this Act" in the first sentence thereof to read as follows:

"The provisions of this section and any regulations issued thereunder shall be enforced by personnel of the Department of the Interior and the Secretary may utilize by agreement with or without reimbursement personnel and facilities of other Federal agencies, and such personnel."

SEC. 7. (a) Section 1 of the Act of October 15, 1966 (80 Stat. 926), is amended by adding a new subsection at the end thereof to read as follows:

"(d) For the purpose of sections 1 through 3 of this Act, the term 'fish and wildlife' means any wild mammal, fish, wild bird, amphibian, reptile, mollusk, or crustacean."

(b) Section 2(d) of the Act of October 15, 1966 (80 Stat. 926), is amended by adding a new sentence at the end thereof to read as follows:

"The Secretary is authorized to acquire by purchase, donation, exchange, or otherwise any privately owned land, water, or interests therein, within the boundaries of any area hereafter administered by him, to conserve, protect, restore, or propagate any selected species of native fish and wildlife that are threatened with extinction without regard to any limitation on appropriations applicable to such area under any other provision of law and each such acquisition shall be administered in accordance with the provisions of law applicable to such area."

ADDITIONAL COSPONSORS OF BILLS

Mr. METCALF. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Hawaii [Mr. INOUYE], the Senators from Washington [Mr. JACKSON and Mr. MAGNUSON], and the Senator from Utah [Mr. Moss] be added as cosponsors of the bill (S. 2935) to amend title II of the Social Security Act so as to provide that the definition of the term "disability," as employed therein shall be the same as that in effect prior to the enactment of the Social Security Amendments of 1967.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I also ask unanimous consent that, at its next printing, the name of the Senator from South Dakota [Mr. MCGOVERN] be added as a cosponsor of the bill (S. 2613) to amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON] I ask unanimous consent that at its next printing the name of the Senator from North Dakota [Mr. BURDICK] be added as a cosponsor of S. 2040, a bill to provide for Federal assistance in the planning and installation of works and measures for the control and prevention of damages resulting from erosion of the roadbeds and rights-of-way of existing State, county, and other rural roads and highways, from erosion of the banks of rivers and streams, and from erosion of unrestored or unrehabilitated surface or strip mined non-Federal lands, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO FARMING LOSSES INCURRED BY CERTAIN PERSONS—AMENDMENT

AMENDMENT NO. 529

Mr. METCALF submitted an amendment, intended to be proposed by him, to the bill (S. 2613) to amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income, which was referred to the Committee on Finance and ordered to be printed.

THE 1968 CHALLENGE TO AMERICAN POLITICS

Mr. KUCHEL. Mr. President, on Wednesday of last week, February 7, I had the honor to speak before the Town Hall of California, in Los Angeles. I ask unanimous consent that a partial text of my comments on that occasion be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE 1968 CHALLENGE TO AMERICAN POLITICS

The events of the past several weeks have unfolded with such swiftness and sudden force, that it is, perhaps, impossible to place them in any clear perspective. One day's developments seem to supersede those of the day before, or at least to obscure them. Seldom in past generations have Americans faced such enormous problems, on so many fronts, fraught with such grave hazards. The dread scourge of war now raging in Southeast Asia threatens to break out in new and indefinable dimensions like a plague before an ill wind. The destiny of our great country seems to hinge on the ruthless behavior of two minor totalitarian states, possessing but a tiny fraction of our power, none of our responsibilities, and, so far as I can determine, little, if any, of our virtue.

And these are only part of our trials. Nations in Europe, which, in bygone years we aided and defended in unprecedented scale, now almost eagerly add to our burdens. The United Nations, once the exhilarating dream for world order, sits helpless in the face of explosions from the Suez Canal to Wonsan Bay. While, surely, we live in an interdepend-

ent world, where freedom and peace must depend on the cooperation of like-minded, freedom-loving nations, it appears paradoxically that, with each passing day, the United States seems to be more on her own.

Here at home, hopes for domestic progress are dashed by a growing penchant for racial extremism, and by increasing limitations on our available resources. Our economy has been knocked askew by over-commitment, and by faulty management of the public purse.

There is a growing gulf between citizen and public servant. The orderly processes of government are stymied by doubt and mistrust of official pronouncements. In some areas, there is outright defiance by citizens of the laws of our land.

In such times of trouble, what do citizens of the United States do? A world of peoples, by now long accustomed to American leadership, or at least to vigorous American courage in standing up for decency among the members of the world's family, is looking for this answer. So, too, are we at home.

Our nation, the mightiest and wealthiest in the history of mankind, is capable of meeting today's challenge. Americans are people of good will. We seek neither to dominate the world, nor to make it over in our image. We believe in peaceful settlement of international disputes as opposed to the law of the jungle. We reject aggression in any form. But our motives are today widely misunderstood. Our task now is to get the message of America through.

The broad participation of citizens in their government is the operating principle of American politics. Commitment to this concept is essential. In this period of crisis, as in such trials in the past, the best response is to begin at home, to rally our national will, to use the freedoms of our democratic society without abusing them. The times cry out for a national leadership of vigor and frankness.

Like you, I believe in the American system, and in the ability of the American people to make it work. My vision, somewhere down the corridors of time, is for a world ruled by reason and law, where justice rests on right and not on power.

Today, no people can exist in isolation; the bonds of common interest in trade, development and mutual defense, are indispensable. They cannot be severed. Population will grow, but our geography will remain static. Science, to the contrary, will continue to shrink distance. We become more of a neighborhood every day. But the dream of resolving disputes in a world neighborhood, by reason, rather than force, has succumbed to the nightmare of prolonged hostility, in a torrid period misnamed "the Cold war."

America has led independent and non-Communist nations in establishing an almost worldwide system of collective security. In our nation, this was a bipartisan undertaking led by Arthur Vandenberg and Harry Truman, and by Dwight Eisenhower and John F. Kennedy. I believe in that effort. I have voted for the program of mutual security they sponsored to give aid to free friendly countries. Foreign aid, with all its administrative errors, helped to give Indonesia the will and the zeal to throw off Red Chinese Communism, and to become a friend of the West. American foreign aid made South Korea into a free and viable republic, which recently celebrated 15 years of independence. Almost 50,000 of her sons fight for the freedom of their neighbors in Vietnam.

As an American, I devotedly believe in the absolute necessity of the Atlantic Alliance, the foundation of strength in the Western World. As you know, I support our cause in Vietnam. As a Californian, I strongly believe that America's role is vital to peace and stability of the far Pacific in its struggle against an aggressive brand of Asiatic Communist expansionism.

I have not hesitated to support efforts to achieve peace by reason and law. I voted for the Nuclear Test Ban Treaty, as a first cautious step toward ending the nightmare threat of nuclear holocaust. As a member of the Defense Subcommittee of the Senate Appropriations Committee, I have repeatedly voted to provide the forces, both nuclear and conventional, to keep America strong. The fact is that this world contains today two super powers, each with an enormous nuclear strike capability. Ours is clearly the stronger, and must remain so. I have no illusions about the ultimate aims of the Soviet Union for global domination, nor do I underestimate the zeal of its leaders in the Communist cause. However, they know also the peril of total war. They know that a surprise attack against the United States would unerringly bring a retaliating, obliterating strike against their own homeland. They know that is too high a price for them to pay. If they, in a moment of clarity, see the value of resolving the nuclear threat, America must not deny herself a chance, by consultation, of seeking to make the world safer.

Patriotism is not born of fear, but of the courage to stand up for conviction. The old argument that the choice might lie between "Red or Dead" is a snare. Our true choice, instead, is clear: To preserve the American system and to improve it, or, to the contrary, to evade our duty or to pursue self-defeating isolation. I am confident Americans will make the right choice.

The Soviet bogey-man is no giant. He is an adversary whose dogmas are the antithesis of our own. He deals in strength and he respects it in others. But he has his own bogeyman in China. And at home, his people, with the passage of time, have begun to yearn for creature comforts, Western style.

The same faith in our system we show to the world, we must show at home. No society can tolerate lawlessness and prolonged disorder. Government has the power, and the duty, to maintain our freedom and keep the public order. Some may contend that history proves ours is a society based on revolution. With them I disagree. Our people did not undertake revolution as an end in itself, but, as a means to achieve freedom and to throw off an oppressive foreign yoke bent on denying human rights. That was the genesis of our independence. That is the base of our power. We continue to expand that base, as our forefathers predicted. Despite opposition from those who reject freedom as a working principle, and from those who would rather sit on the shelf as an anachronistic museum piece, the struggle to achieve equal rights for all our people goes on. Even now in the United States Senate, we are striving to make it a crime for any citizen or public official forcibly to deprive another of the rights given him by our Constitution. I joined as a co-author in offering that measure in the Senate, as in the past I have joined the bipartisan leadership guiding every piece of civil rights legislation that has become law in the Twentieth Century.

I firmly believe that the broad gulf between the black and white races of our society can be narrowed, and I have a keen sense that it must. We can build a bridge of understanding by giving fellow humans, black or white, an opportunity to have a respected place in our society.

It is no longer just a matter of helping fellow humans, of seeing social justice done for those who have suffered too long. That time has passed, and our record on the whole is rather shabby. But now self-interest, too, is involved. The ghetto is impinging more, and more, and more on American pocketbooks in the form of taxes, and on American activity outside the ghetto as population swells. The choice—if it really remains any more—is whether to take a voluntary step to meet the problem, or to let events and the ghetto continue their unguided course until they spiral out of control.

The choice must be made to commit the private sector of the United States to the ghetto in great quantity, and with the dedicated aim of promoting viable private sector activity located within the ghetto and owned and run by ghetto residents. Only by taking this initiative can non-ghetto America hope to see its cities become whole and healthy again, with every segment of the urban population self-sufficient enough to contribute, rather than to drain.

Sometimes, the public and private sectors of our economy mesh together. For example, slightly over a year ago, I succeeded in amending the Federal Housing Act to encourage private home ownership in areas threatened by riot. Private lending agencies were understandably afraid to make home loans in such potential trouble spots. The security might go up in smoke. My amendment permitted FHA to assume some of the risk in a purchase money mortgage on a home in a riot area. The response of the business community to that new statute has been heartening. Last year the insurance companies of our country took advantage of this law to pledge one billion dollars worth of new housing for blighted urban areas. Some of our American institutions are working. The tragedy is that it took illegal, horrifying acts in the city slums to make those institutions work.

The paramount concern of our people, by virtue of its tragic costs and dogged persistence, is the war in Vietnam. Three times now in the past generation American men have been called to fight for freedom and independence of the peoples of East Asia. The recent seizure of the U.S.S. *Pueblo*—which appears to be an act of piracy—has threatened yet another conflict. America's stake in the Far Pacific is deep. Our people are determined to come away with nothing less for ourselves and for our allies than peace with honor.

The critics of America's effort in Vietnam often seem more numerous than those of us who support it. But there is one point on which all agree. The American fighting forces have performed magnificently under the most difficult conditions imaginable. Battle lines are non-existent. Visibility in the jungle is severely limited and reduces the advantage of our firepower. In a strange land, it is hard to tell friend from foe—giving the enemy added opportunity for concealment. The severest critic of our policy would not dare to take away one jot of credit from the gallant battle our men have waged. We must never throw away what they have fought so valiantly to win.

In the last few days, the Communist offensive has led some Americans to despair of achieving a solution through our military effort in South Vietnam. I hesitate to comment. Politicians ought not to play general, particularly in the heat of battle. But I want to restate what I said last fall on return from an inspection trip to Southeast Asia:

"Domestic American politics does not offer satisfactory basis for a winning strategy in world affairs. North Vietnam, unable to win a military victory, seeks, as I say, a political one. She counts on our moral paralysis in the face of mounting pressure for peace of almost any kind in connection with next year's elections." Their objectives, even in their acts of terror and violence of last week, continue to be political and diplomatic. They fight with an eye on the conference table and an ear to political opinion in the United States.

Our diplomacy, unhappily, has not fared as well as our military effort. The Administration has failed to obtain a worldwide condemnation of North Vietnamese aggression. This has been a major shortcoming. It has left us to go-it-alone in the United Nations. In Vietnam, we have been largely abandoned

by our European allies. Two years ago, Couve de Murville, the French foreign minister, said, "International crises no longer center in Europe, but in Asia, and the majority of NATO countries is not involved in Asia." He thus sought to isolate Western Europe from Asia, exactly as some Americans, prior to the Second World War, thought they could isolate America from the quarrels of Europe. Part of the responsibility of American diplomatic leadership is to convince our allies in Europe that a conflagration in Asia cannot be outside their own concern.

We need desperately to reweave the fabric of collective security which must remain the keystone of our foreign policy. That is the great challenge to American government. The mistakes of the past must not be repeated. We must, I repeat, beware of the perils of going it alone. It is as true today as it was in the early days of our country: "In Union there is strength."

This is the nub of the negotiation problem. At times the possibility of peace talks seems to come nearer, only to vanish in the clamor of new battles. Despite intense fighting, the conditions for opening talks are successively diminishing. But no discussions can be productive unless they lead to a broad international conference representing all nations interested in peace in Asia. Our task will not be complete until the nations of Asia accept an honorable settlement, and, more important, agree to maintain it. That is no simple prescription, but it is a valid one. It represents the difference between a peace with some durability, and some kind of cease-fire with none at all.

The costs of standing up to aggression abroad and to unrest and violence at home are high. Today every American is acutely aware of the continuing spiral in the cost of living. The cause of continued and mounting inflation, in my view, is not only the cost of crisis, but of mismanagement of the public purse. America has the strength to meet her challenges, but her powers are not inexhaustable. We have seen in Great Britain how an economy which fails to husband its resources eventually pays for its mistakes. The sad story of the British pound must not be repeated with the American dollar. Our Federal budget was less than 100 billion dollars only four short years ago.

Expenditures have grown by more than 50 percent since that time. In 1964, the Congress reduced the tax rates. Today we are considering the second increase in as many years. Our Federal deficit for the current fiscal year has been variously estimated at from 12 to 30 billion dollars, depending on whose figures you choose to accept.

Congress has taken some stern action to retrench, to minimize the budget's impact on inflation and interest rates. As a member of the Senate Committee on Appropriations, I joined my colleagues in cutting over four billion dollars from this year's Administration budget requests last year. And, in the closing days of the first session, Congress decreed that by the end of the fiscal year this total will be nine billion dollars. But, for the good of this country, the upward pressure on prices and interest rates must be stopped. We must stanch the outward flow of gold from our national Treasury.

On January 17, the President announced a deficit for the forthcoming fiscal year of eight billion dollars. This figure was computed under a new Federal budget concept recently approved by a distinguished bipartisan committee. The principal difference is that the new budget includes, for the first time, the income and outgo of trust fund monies like social security taxes. Many of these trusts generate a surplus, but the surplus can not be used to pay the general cost of government because it is committed by law to the trust purpose alone. It is a commitment that our President appeared to ignore in his state of the union message, for he sought to reduce the estimated expenditure deficit by using the projected trust fund surplus. By this arithmetical legerdemain, the projected deficit is reduced magically to eight billion dollars from the 15.4 billion dollars it would be otherwise. In the same fashion, the deficit has been reduced still further by including revenues from a tax proposal which is not yet enacted and may not be. The deficit could realistically be figured as high as 28 billion dollars with a wider gap threatened next year.

Urgent action is necessary. In my view, the House of Representatives should have acted on the Administration's tax proposals long ago. Each day's delay makes the cost of solvency higher. The British example continues before our eyes. The remedies are evident and available. Certainly it is far more consistent with the idea of democracy to ask patriotic Americans for a slight general tax increase than to try to solve our problems by curtailing our freedom of movement. The Administration's proposals to restrict foreign travel by imposing a high per diem duty favors the affluent, restricts the people's opportunity for knowledge, and violates the spirit, if not the letter, of our Constitution. They are no substitute for a little fiscal courage.

I should like, for a moment, to suggest a national political problem which we may have to face this year. Effective democracy in our country depends on the give-and-take of the two-party system. It offers the best means yet discovered to make government responsive to the people. But this year, for the first time in 144 years, our citizens may lose the advantage of this system.

The appearance of a third-party threat must be taken seriously. A secession of Southern states to the American Independent Party would yield as many as 90 electoral votes to Mr. George Wallace. It is highly possible that no candidate will have a clear majority in the Electoral College. This would leave the election of the President of the United States to the House of Representatives.

The Constitution provides that it is the newly elected Congress which makes this choice. In olden times, when the pace of business was slower, it did not seem important that the people of the United States might wait two months or more for the outcome of a Presidential election. In 1968, this would be intolerable.

I invite you to imagine the pressures that would be generated by a prolonged delay in the selection of the man to hold the most powerful office on the face of the earth. The entire gamut of our foreign relations would be left in suspended animation. The leadership, so desperately needed on behalf of the Free World, would disappear. The unity of command given by our Constitution to the office of President would be lost. The incumbent President would not know if he were a lame duck or a spring chicken. It would be almost impossible for him to arrange an orderly transfer of office.

The political ramifications of the arrangement of the election of the President would hamper the effective discharge of his office for a full four years. The Congress could well have a captive President. That could be about as bad for our country as a dictatorship. The one would take away our freedom; the other would seriously undermine our national unity.

The mischief of the Wallace movement is the danger of electing the next President in the House of Representatives. Splinter parties of left and right should be rejected by the American people.

The American people are fully alive to the challenge of this crucial year in our history. The greatest need today in our land is for reaffirmation of faith in our nation and the growing and productive institutions that make it work. This, my fellow citizens, is the year of fateful choice.

"SKIP" RENEGAR: A GRAND OLD MAN

Mr. ERVIN. Mr. President—

It may be that fate will give me life
And leave to row once more—
Set some strong man free for fighting
As I take awhile his oar.
But to-day I leave the galley.
Shall I curse her service then?
God be thanked! What e'er comes after,
I have lived and toiled with Men!
—KIPLING: "The Galley Slave."

"To have lived and toiled with men!" as Kipling put it in his poem, "The Galley Slave," is probably one of the finest descriptions that could be found to sum up the distinguished 30-year career of Lt. Comdr. Garland M. Renegar who recently retired from active duty with the U.S. Navy.

Toiling on his father's Statesville, N.C., farm, "Skip," as his friends call him, was lured away by the siren call of the sea on November 3, 1937, which in and of itself was not unusual.

The Renegar family, however, can be termed unusual in that the six sons all have served with or are serving in this country's Armed Forces, and to this date have amassed a total of 121 years of military service. This one family's record, incidentally, is believed to stand unchallenged in military history. Furthermore, there is another unusual aspect in that the family has not been together since that November 3, and this occasion served as a sort of family reunion.

Generally speaking, formal retirement services such as this one are unusual, but because of their high regard for "Skip" Renegar, the officers and men of the Fleet Tactical Support Squadron at the Patuxent River, Md., Naval Air Station went all out in arranging the January 31, 1968, fete. The arrangements and invitations were literally worldwide in scope.

Those who were able to attend this aforementioned reunion and retirement ceremony included the father, Edgar D. Renegar, Statesville, N.C.; and brothers: Ray, major, U.S. Army, Fort Monmouth, N.J.; Jack, first lieutenant, U.S. Marine Corps, Camp Lejeune, N.C.; Gerald, lieutenant colonel, U.S. Army, retired, Pinesville, La.; and Charles, a retired Air Force master sergeant of Rivera Beach, Fla. Unable to be present were the mother, who was kept home due to an illness, and brother Harold, sergeant, first class, U.S. Army, currently in Korea.

Also witnessing this milestone event were Renegar's wife, the former Jean Wolfe of Cedar Bluff, Nebr., and their two sons, Kent, a postgraduate student at Vanderbilt, and Douglas, an undergraduate at Wake Forest University.

"Skip" is now employed by the North Carolina State Forestry Service and I know that his longtime service as a naval aviator will serve him in good stead since his return home to the "Old North State."

Mr. President, in such troublous times, when much is made of draft dodging, draft-card burning, and protest against military service, it is indeed refreshing to learn of one family's dedication to their country. It is even more gratifying, of course, when members of that family happen to be fellow Tarheels.

I ask unanimous consent that a copy of

the program, a letter, a press release, and newspaper articles about the event be printed at this point in the RECORD in order that others may read about and share my pride in this remarkable family.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PROGRAM: FLEET TACTICAL SUPPORT, SQUADRON 1; LT. COMDR. G.M. "SKIP" RENEGAR, U.S. NAVY, NOVEMBER 3, 1937 TO JANUARY 31, 1968

SCHEDULE OF EVENTS

1340—Troops fall in; arrival of guests.
1400—Rear Adm. D. F. Smith, Jr., arrives with honors; March on the colors.
1405—Personnel inspection: Capt. F. G. Koenig and Lt. Comdr. G. M. Renegar.
1415—Lt. Comdr. Renegar (front and center).
Résumé of career (Capt. Koenig).
Presentation of letter of commendation by Rear Adm. Smith.
1425—Lt. Comdr. Renegar's retirement orders (Capt. Koenig).
1430—Band plays "Aloha, Aloha," following which Lt. Comdr. Renegar is piped over the side.
1435—March off the colors.
1440—Guests depart.
1445—Dismiss the troops.
Music, courtesy of the Comnavairlant Band.

GUESTS

Rear Adm. D. F. Smith, Jr., commander Naval Air Test Center and Commander Fleet Air Patuxent.
Rear Adm. R. E. M. Ward, retired, now living in Santa Cruz, Calif.
Capt. V. P. O'Neil, commanding officer, U.S. Naval Air Station, Patuxent River, Md.
Capt. R. F. Lyons, American liaison, U.S. Naval Attaché, Mexico City, Mexico.
Capt. J. J. Vandale, director, Naval District Affairs Division, BuPers, Washington, D.C.
Capt. W. D. Davis, retired, now with Naval Reserve Association, Washington, D.C.
Comdr. C. B. Kirbow, retired, now chief clerk, Senate Committee on Armed Forces.
Mr. Scot MacDonald, retired Navy Chief Journalist, now with Armed Forces Management, Washington, D.C.
Mr. E. D. Renegar, father of the six brothers of Statesville, N.C.
Maj. Ray Renegar, U.S. Army, Army Aviation Detachment, Fort Monmouth, N.J.
Lt. Col. Renegar, U.S. Army, retired, now of Pineville, La.
First Lt. Jack Renegar, U.S. Marine Corps; Headquarters Battery, 10th Marines, 2d Marine Division, FMF, Camp Lejeune, N.C.
M/Sgt. Roland Renegar, U.S. Air Force, retired, Rivera Beach, Fla.
Sfc. Harold Renegar, U.S. Army; Headquarters Battery, 7th Battalion (Hawk), 5th Artillery, Korea.

SKIP RENEGAR: A GRAND OLD MAN

Thirty years ago, Garland M. Renegar was an apprentice seaman who wielded a swab regularly and chipped paint aboard the U.S.S. *Gilmer*, one of the Navy's old four-piper destroyers. Today, Renegar is a lieutenant commander who is at the end of a distinguished naval career that has spanned those three decades.

From the farm

On November 3, 1937 "Skip" Renegar had worked in the field all day plowing with a team of mules on his father's tobacco and cotton farm near Statesville, N.C. He came to the house about 9:30 at night and was met by his mother, who told him the Navy recruiter would pick him up the following day. He left early the next morning with the recruiter after saying goodbye to his parents, his sisters, and his five brothers.

That was the last time that the entire family was together at one time. The other five brothers—Gerald, Roland, Harold, Ray and Jack—all joined the service and all have been career military men.

Through the combined efforts of the Navy and many other local and national organizations the Renegar family is once again united today at this retirement ceremony.

"Corn" philosophy

Skip—a nickname he has had for many years, and whose origin has been lost for a long time is a pleasant, soft-spoken, unassuming man who at times lets a little North Carolina "corn" philosophy sneak into his speech.

If you approach to talk to him he begins immediately rustling through his brown leather flight jacket, looking for his glasses. He seems to speak better with them on.

His gold-striped hat pushed back on his head reveals a balding crop of light brown hair. On his face is always the same warm, sincere smile.

At the squadron—the Navy's oldest air transport squadron—he can be seen at many odd hours of the day. He might be sitting in one of the many squadron offices—shooting the breeze with one of the enlisted men who works there; or out on the squadron's flight line helping with the movement of equipment or planes; or just standing around the hangar deck, making a silent survey of the work going on there.

Maintenance officer

Officially, he is the assistant maintenance officer of the squadron. Unofficially, he is the squadron's trouble-shooter. His many years of varied and diversified aviation assignments have given him an unlimited storehouse of knowledge which he draws on continuously to help solve maintenance, material, and personal problems of the squadron and its men.

First assignment

After his first assignment in the Navy ended, with the decommissioning of the destroyer *Gilmer* at the Philadelphia Navy Yard in 1938, he was sent to the precommissioning unit of the light cruiser *Phoenix*. In 1940 he left the *Phoenix* for the Aviation Machinist's Mate School in Norfolk. While he was in school he made aviation machinist's mate third class. From there he was assigned to the air station at Pensacola, Fla.

There he became a part of the commissioning unit of the Jacksonville, Fla., Naval Air Station. He is a "plank owner" (part of the commissioning crew) of "Jax". "When I reported into Jacksonville we had to drive some cattle off the road in order to get into the duty office to log in," he recalls. There he was assigned to Training Squadron 12.

He moved up in rate to second and then first class while assigned to the squadron. Later he made chief petty officer and gained his second commissioned status in August 1955 while serving as attaché pilot for the American Embassy, Mexico City.

Antarctic duty

His assignments since then have been from one end of the world to the other, including a tour of duty with the Quonset Point, R.I.-based Air Development Squadron 6 at Antarctica.

Several years ago he received notification that the Department of Interior had named a glacier for him, in honor of his reconnaissance missions over unchartered regions of the Antarctic.

Great leaders

Skip recalls with fondness some of the great men he has served under during his long career. Men like Lt. (j.g.) K. L. Veth, his division officer aboard the *Phoenix*, who is now a rear admiral and Commander Naval Forces, Vietnam. Lt. John T. Hayward, senior naval aviator on board the *Phoenix*, now a vice admiral and president of the Newport, R.I., Naval War College. Lt. (j.g.) Harold I. Ewen, who now has a doctorate in radio astronomy from Harvard and is with the Ewen-McKnight Corp. of Boston, Mass. Retired Rear Adm. R. E. M. ("Run Every Minute") Ward, now living in Santa Cruz, Calif. Cmdr. Noel F. Gaylor, who Commander Renegar served under as a chief pretty officer. Gaylor, now a vice admiral, is deputy director of the Joint Strategic Target Planning Staff, Omaha, Nebr.

Total of 121 years of service

They just weren't cut out to be farmers—those six sons of Mr. and Mrs. E. D. Renegar of Statesville, N.C.—who together have a combined total of 121 years of service with the U.S. Armed Forces. This total accumulated by the immediate members of one family is believed to stand unchallenged in military history.

Out at the family farm, the father of the traipsing military men says, "I've gotten used to it by now, but it's still hard to do without them." Naturally, he and Mrs. Renegar are proud of their sons wanting to serve their country. Mr. Renegar said that when each one joined up, he told them "Don't do less than your best." He said, "That's the encouragement I gave them, and they've done mighty well."

Two have retired

Four of the brothers are currently on active duty from Korea to New Jersey. Today, Skip joins the retired list with his other two brothers: Army Lt. Col. Gerald E. Renegar now living in Louisiana; and Air Force M/Sgt. Charles Roland Renegar now residing in Florida.

Still active

The other brothers still on active duty include: Army Sfc. Harold E. Renegar, who is now in Korea; Army Maj. Ray V. Renegar, at the Army Aviation Detachment, Fort Monmouth, N.J.; and Marine Corps 1st Lt. Edwin Jackson Renegar, Camp Lejuene, N.C.

Wife and sons

Skip is married to the former Miss Jean Wolfe, of Cedar Bluffs, Nebr. They have two sons: Kent, a graduate of Nebraska Wesleyan University, who is now doing postgraduate work at Vanderbilt; and Douglas, now in his second year at Wake Forest University.

JANUARY 31, 1968.

Lt. Comdr. GARLAND M. RENEGAR,
Assistant Maintenance Officer, Fleet Tactical Support Squadron 1, U.S. Naval Air Station, Patuxent River, Md.

DEAR COMMANDER RENEGAR: Today marks another successful milestone in the history of the Renegar family and I wish to take this opportunity to express my congratulations. As a member of the Senate Armed Services Committee, I too, share your parents' pride on this occasion of your retirement from 30 years active service to the United States Navy and to your country.

The significance attendant to this ceremony almost overshadows the equally significant fact that you and your brothers have contributed a combined total of 121 years of service with the United States armed forces. Surely, this noteworthy and commendable record is unmatched by any other family and it should serve as a landmark of devotion to country.

This dedication, as exemplified by you Commander Renegar, is an example of what has made the United States in general and the U.S. Navy in particular, such a great force in the world and I salute you and your family for a job well done.

With all kind wishes for your future as you return to North Carolina, I remain,

Sincerely,

SAM J. ERVIN, Jr.

[News release, Fleet Tactical Support Squadron 1, Feb. 2, 1968]

A GRAND OLD MAN

(By Lt. W. I. Harris and JO1 Bill Wedertz)

For the first time in thirty years five of the six sons of Mr. E. D. Renegar were together when LCDR Garland M. Renegar retired January 31, 1968, at the Naval Air Station Patuxent River, Maryland.

Fleet Tactical Support Squadron One (VR–1), the Navy's oldest transport squadron, gave "Skip" Renegar a Very Special Retirement Ceremony this week upon the completion of 30 years of service to his country.

THREE DECADES OF NAVY SERVICE

"Skip" is a very remarkable man who was the first of six brothers to enlist in military service. Starting as an apprentice seaman in 1937, he rose to the rank of Lieutenant Commander.

During World War II he became a Naval Aviator and since then has flown to all corners of the world in many types of Navy aircraft. While serving in Antarctica he became one of the few men to have a glacier named after him. His duty at VR–1 besides being a C–131 aircraft commander, was assistant maintenance officer, however his many years of varied and diversified aviation assignments made him the squadron's troubleshooter. His experience gave him an unlimited storehouse of information which he drew on continuously to help solve maintenance, material and personal problems of the squadron and its men.

Respected by all, from his Commanding Officer, Captain F. G. Koenig, to the seamen who worked for him, Skip is a man who believes strongly in his country, and what it stands for. "Skip Renegar is an unusual man," said one of the squadron's enlisted men. "He may wear an officer's hat, but he is really an enlisted man at heart."

A SPECIAL RETIREMENT

After the ceremony, in which a letter of commendation from VADM E. P. Holmes, Commander in Chief, U.S. Atlantic Fleet was presented to LCDR Renegar by RADM D. F. Smith, Commander Fleet Air Patuxent, Skip said, "For an old man to receive this kind of honor from his country makes me realize that, as long as we have servicemen like my shipmates, the President of this nation need fear nothing from any nation, or any individual, and that the people of today who would be critical of this nation are small within themselves, and would contribute nothing toward what so many people have in the past have given so much," and then he added, "I mean that, verbatim."

Later, at a party given in his honor at the Officer's Club, "Skip" was presented a framed portrait, signed by the members of his family, the guests, and all of the officers of the squadron.

He also received a plaque and mug embellished with the squadron emblem. As a spoof concerning his new job with the North Carolina Forestry service, he was given a "Smokey-the-Bear" hat adorned with a special hand carved set of aviation wings which had a rocking chair in the center.

Speaking of the ceremony which brought together his father, Mr. E. D. Renegar and four of his five brothers for the first time in 30 years, LCDR Renegar said, "How they did it I don't know. When I first got wind of it a couple of days ago I didn't think it could be done."

TOTAL 121 YEARS OF MILITARY SERVICE

Mr. E. D. Renegar, the 80 year old father of the six boys who have compiled a total of 121 years of military service, is a retired farmer who still lives on his farm in Statesville, N.C. While surrounded by his sons he observed, "They just weren't cut out to be farmers, however, I told them as they left, never do less than your best, and they have made me very proud of their accomplishments."

VR–1's send off for Skip and the presence of this family awed the old man and made him so happy that it brought tears to his eyes.

Mrs. Renegar, Skip's 77 year old mother, was invited but a heart ailment kept her in Statesville.

BROTHERS SPREAD FAR AND WIDE

Major Ray Renegar, U.S. Army Aviation Detachment, Ft. Monmouth, N.J., a veteran of three wars said "This is one of the most memorable events that has ever happened to our family. We greatly appreciate the efforts the Navy put forth to gather us all together."

Lt. Col. Gerald Renegar, U.S. Army (Ret.), now working at the Longhorn Army Ammunition Plant and living in Pinesville, La., had this to say. "This has been one of the most impresive ceremonies I've ever seen and its a wonderful feeling to be reunited with our family."

1st Lt. Jack Renegar, U.S. Marine Corps, HQ Btry., 10th Marines, 2nd Mar. Div., at Camp Lejeune, N.C., attended with his wife after being flown from Puerto Rico where he was on maneuvers. Among his comments he said, "Although we are widely separated geographically, we are a close family and the honors bestowed on Skip here today have made us all proud and very happy."

M/Sgt. Roland "Chuck" Renegar, U.S. Air Force (Ret.) now living in Riviera Beach, Florida, observed, "I've always maintained the Air Force was tops, but after seeing what the Navy has accomplished here today I might have to change my views. Getting our father off his farm and away from his 39 year old mule "Red" was a major accomplishment in itself."

Skip's wife, Jeanne, the former Miss Jeanne Wolfe of Cedar Bluffs, Nebr., attended with her mother and father, Mr. and Mrs. Ira Wolfe.

Skip's son, Kent, a graduate of Nebraska Wesleyan University, who is now doing postgraduate work at Vanderbilt, and Kent's wife, Sandy, and Skip's youngest son, Douglas, now in his second year at Wake Forest University, were seen at the ceremony with great pride, in their father and his accomplishments, beaming from their faces.

Recent events prevented the sixth brother, Sfc. Harold Renegar, HQ Btry., 7th Bn. (Hawk) 5th Artillery, Korea from attending.

Over 20 telegrams and messages from all over the world congratulating Skip were put into a scrapbook and presented to him at the conclusion of the ceremony.

At the end of the party all concerned went their separate ways with the hopes that the next reunion would not take 30 years.

Skip has said "Sentiment has no place in the Navy, where a man may be asked to risk his life at any time," but there were very few people who didn't have a lump in their throat when the NavAirLant Band played "Aloha, Aloha", and a "Grand Old Man" was piped over the side.

[From the Charlotte (N.C.) Observer, Feb. 1, 1968]

IT WAS A BIG DAY FOR THE RENEGAR CLAN

PATUXENT, MD.—Edgar Renegar, a 79-year-old farmer from Statesville, N.C., got together with five of his six sons Wednesday for the first time in 30 years.

All six are in the service or used to be, and Renegar said jokingly: "Maybe I've made a mistake. Now I don't have anyone left on the farm."

The farm, begun in the mid-1920s with 57 acres, is now 110 acres of cotton, peanuts and tobacco outside of Statesville.

"A little bit of everything" is the way Renegar describes his crops. He still works every day, managing the operation.

The occasion for the family reunion was the retirement from the Navy of his oldest son, Lt. Cmdr. Garland ("Skip") Renegar, 49, who enlisted as an apprentice seaman Nov. 3, 1937, and came up through the ranks.

At a special ceremony, Cmdr. Renegar inspected the 350 men of the Fleet Tactical Support Squadron at Patuxent Naval Air Station, where he has served for the past year.

Then he went to the front of the squadron while his commanding officer, Capt. F. G. Koenig, spoke on Renegar's career. Adm. Daniel F. Smith Jr., commander of the Naval Air Test Center at Patuxent, read a commendation from the commander in chief of the Atlantic Fleet.

Renegar's retirement order was read, he was "piped over the side," by a boatswain's pipe, and he gave his farewell salute.

There were tears in the eyes of the commander's father, and some of his brothers, who had seats of honor down front on the folding chairs set up in a hangar for the 40-minute ceremony.

"The most wonderful thing in years . . . I didn't think it could be done," said Charles Roland Renegar, a retired Air Force sergeant from Riviera Beach, Fla.

The other former serviceman among the elder Renegar's sons was Gerald Renegar of Shreveport, La., a former lieutenant colonel in the Air Force.

The sons still in service, who attended in uniform, were: 1st Lt. Edwin "Jack" Renegar, a Marine stationed at Camp Lejeune, N.C., flown to the states by the Navy from Puerto Rico, where he was on maneuvers, and Maj. Ray Renegar of Ft. Monmouth, N.J.

The only son missing was Sgt. 1.C. Harold Renegar of El Paso, Tex., who is stationed in Korea. The elder Renegar's wife, who is 77, has had a heart ailment and was unable to make the trip to see her sons.

A spokesman at Patuxent said it was unusual for the Navy to have such a ceremony on an officer's retirement.

"Skip Renegar is an unusual man," said one of the enlisted men at the base.

"He may wear an officer's hat but he isn't really an officer; you know he's an enlisted man at heart."

His squadron has the task of supporting the Navy's Atlantic Fleet by moving personnel and supplies to where they're needed.

A letter from Sen. Sam J. Ervin Jr., D-N.C., offered congratulations on "another successful milestone in the history of the Renegar family."

Jack Renegar left after the ceremony to get back to Puerto Rico. The others will leave today, with the elder Renegar driving to New Jersey with son Ray before flying back to North Carolina.

[From the Greensboro (N.C.) Daily News, Feb. 1, 1968]

REUNION AND RETIREMENT—FATHER, FIVE SONS GATHER FOR CEREMONY

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[From the Raleigh (N.C.) News & Observer, Feb. 1, 1968]

THIRTY YEARS PRECEDE REUNION

PATUXENT, MD.—Edgar Renegar, a 79-year-old farmer from Statesville, N.C., got together with five of his six sons Wednesday for the first time in 30 years.

All six are in the service or used to be, and Renegar said jokingly: "Maybe I've made a mistake. Now I don't have anyone left on the farm."

The farm, begun in the mid-1920s with 57 acres, is now 110 acres of cotton, peanuts and tobacco outside Statesville.

"A little bit of everything" is the way Renegar describes his crops. He still works every day, managing the operation.

The occasion for the family reunion was the retirement from the Navy of his oldest son, Lt. Cmdr. Garland "Skip" Renegar, 49, who enlisted as an apprentice seaman Nov. 3, 1937, and came up through the ranks.

At a special ceremony, Cmdr. Renegar inspected the 350 men of the Fleet Tactical Support Squadron at Patuxent Naval Air Station, where he has served for the past year.

The sons still in service, who attended in uniform, were: 1st Lt. Edwin "Jack" Renegar, a Marine stationed at Camp Lejeune, N.C., flown to the states by the Navy from Puerto Rico, where he was on maneuvers, and Maj. Ray Renegar of Ft. Monmouth, N.J.

[From the Winston-Salem (N.C.) Journal, Feb. 1, 1968]

STATESVILLE FARMER REUNITED WITH SONS

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OCCASION A RETIREMENT

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Then he went to the front of the squadron while his commanding officer, Capt. F. G. Koenig, spoke on Renegar's career. Adm. Daniel F. Smith Jr., commander of the Naval Air Test Center at Patuxent, read a commendation from the commander in chief of the Atlantic Fleet.

"PIPED OVER THE SIDE"

Renegar's retirement order was read, he was "piped over the side" by a boatswain's pipe, and he gave his farewell salute.

There were tears in the eyes of the commander's father, and some of his brothers, who had seats of honor down front on the folding chairs set up in a hangar for the 40-minute ceremony.

"The most wonderful thing in years . . . I didn't think it could be done," said Charles Roland Renegar, a retired Air Force sergeant from Riviera Beach, Fla.

The other former serviceman among the elder Renegar's sons was Gerald of Shreveport, La., a former lieutenant colonel in the Air Force.

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SUCH A CEREMONY UNUSUAL

The only son missing was Sgt. 1.C. Harold Renegar of El Paso, Tex., who is stationed in Korea. The elder Renegar's wife, who is 77, has had a heart ailment and was unable to make the trip to see her sons.

A spokesman at Patuxent said it was unusual for the Navy to have such a ceremony on an officer's retirement.

"Skip Renegar is an unusual man," said one of the enlisted men at the base.

"He may wear an officer's hat but he isn't really an officer; you know he's an enlisted man at heart."

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SENATOR MANSFIELD HONORED AT THE UNIVERSITY OF MAINE

Mr. MUSKIE. Mr. President, on last Sunday, February 11, 1968, the people of Maine and the University of Maine were privileged and proud to welcome the distinguished majority leader and Mrs. Mansfield as guests for a memorable day.

The occasion was the university's founders day convocation. The setting—a crisp Maine day with blue skies and newly fallen snow—must have been somewhat reminiscent of Montana.

Senator MANSFIELD was warmly received by a capacity audience of 3,000 students, faculty, and citizens in the university's fieldhouse. He chose to discuss our policies in Korea and Vietnam.

As we have come to expect of him, his message was thoughtful, constructive, and responsible. It was received by a hushed and attentive audience which responded with a standing ovation.

Senator MANSFIELD's speech was a major contribution to the continuing debate over our policies in Korea and Vietnam. It is worthy of widespread and thoughtful consideration. For that reason, Mr. President, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

VIETNAM

(Speech of Senator MIKE MANSFIELD, Democrat, of Montana, at the University of Maine convocation, Orono, Maine, February 11, 1968)

My remarks, today, deal with Viet Nam. Before proceeding to them, however, I wish to refer to the USS Pueblo incident. When added to the Vietnamese conflict, it is illustrative of the hydra-headed character of military involvement on the mainland of Asia. War spreads readily on that continent; the difficulty lies in curbing it. I would emphasize, therefore, that while the urgency in Viet Nam is to bring one bloody conflict to a close, the imperative in Korea is to prevent the opening of another.

In the latter connection, it will help to bear in mind the essentials of the Pueblo affair. A U.S. vessel—that it was an electronic listener of some sort is not disputed—was in a position off the North Korean coast. What vital national need prompted the dispatch of this particular mission or why the vessel went undefended are not as yet, fully known.

All reports available to me in both the White House and the Foreign Relations Committee, indicate that the Pueblo was in international waters at the time it was taken. As of the moment, the Pueblo is now at anchor in Wonsan harbor and the 82 surviving crewmen who were aboard—one other has died—are interned in North Korea. That ineluctable fact is in no way altered by a sense of outrage or indignation.

The crew aboard the Pueblo was carrying out a dangerous assignment. The "why" and the "how" of the mission are moot at this point. What matters now is the obligation to those men. In our reactions to the Pueblo affair, lives must not become the pawns of either pride or petulance. Every effort to bring about their release must be made.

We will also do well to bear in mind that the one war in which we are engaged on the Asian mainland has become a source of immense grief. Any move which leads into a second Vietnamese-type conflict in Korea will compound the grief but hardly serve the interests of this nation.

In sum, what most matters at this point, it seems to me, is: (1) return of the 80-odd American crewmen alive—I repeat, alive—and; (2) prevention of a second war in Korea on the pattern of Viet Nam which could the more readily become World War III.

The firm restraint which President Johnson has exercised from the outset of the Pueblo affair has set a wise course for this nation. The question has been raised at the United Nations Security Council by Ambassador Arthur Goldberg. It has been pursued at the Panmunjom truce site in discussions between our representatives and those of

North Korea. Other channels are also being tapped which might lead to the release of the crewmen. In short, the President's policy at this time is to seek a solution by diplomacy. It is the course of prudence and reason in what is, at best, a delicate and dangerous situation. It deserves every support of the nation.

There is no certainty that the present efforts will bear fruit. Other possibilities, however, may also be available. I would point out, for example, that, if necessary, the matter should be pressed further at the United Nations which has had a definite responsibility in Korea for almost two decades. If it comes to that, it may be feasible to seek impartial arbitration or mediation or a presentation of the entire matter to the World Court. May I say that precedent for the latter procedure is to be found in a similar dispute two decades ago over the loss of two British destroyers off the Albanian Coast.

Whatever the specific recourse, in my judgment, the efforts to find a peaceful solution in the Pueblo affair are attuned to this nation's interest. What matters in my judgment is saving lives, not saving face. What matters is the substance not the shadow of this nation's interests.

That is true in Korea; and it is no less true in Viet Nam. The nation's interests in Viet Nam, in my judgment, lie in bringing the war to an honorable conclusion at the earliest possible moment. The pursuit of a negotiated solution was right for this nation before the recent coordinated offensives in the South Vietnamese cities. It is right today, while that offensive continues in certain areas and when a second offensive may be on the verge of opening, if not in Khe Sanh, somewhere else in the remote highlands of central Viet Nam.

Insofar as I can see, negotiations are and have always been the only rational alternative in this situation to an indefinite U.S. involvement on the Southeast Asian mainland. Two years ago I joined four Senate colleagues, including Senator Edmund Muskie, my close and trusted friend, the distinguished dean of the Senate Republicans, Senator George Aiken of Vermont and the equally distinguished Senators from Delaware and Hawaii, J. Caleb Boggs and Daniel Inouye, in a report at conclusion of a visit to Southeast Asia. Our principal observation, then, was that the American position in Viet Nam had the character of "pressing against a military situation which is, in effect, open-ended." We added this comment: "How open is dependent on the extent to which North Viet Nam and its supporters are willing and able to meet increased force by increased force." It is more apparent now than it was at the time that the war is open-ended. How open may be uncertain—in my judgment it is still wide open—but in any event, to date, the NLF and the North Vietnamese have been both able and willing to meet increased force with increased force.

At the beginning of 1966, the United States already had 180,00 men in Viet Nam. American forces directly involved in the war have since tripled to something approaching 600,000—with over 500,000 on the ground in Viet Nam, 40,000 in Thailand, 40,000 in the 7th Fleet in the South China Sea and similar back-up forces in Japan, Okinawa, Guam and elsewhere. Total American casualties have gone well past 100,000. Last year's toll of those killed in action showed a great increase in two years, from 1,964 in 1965 to 9,353 in 1967.

This increase in the American military effort has been met by increases in the North Vietnamese-NLF effort; their casualties, too, have increased greatly. The war, in short, has risen over the past three years to ever higher intensities of destructiveness. The basic juxtaposition in Vietnam, however has not been altered as anticipated. In the spring of 1965, the all-consuming objective of the American effort was to prevent the collapse of a government with which we had allied ourselves. Almost three years later, countless thousands of lives later, and tens of billions of dollars later, that is still the objective.

One can put whatever interpretation one chooses on the recent events in Viet Nam. To me, however, they suggest that the survival of the Saigon political structure, in its present form, may now be more uncertain. The pacification program appears to have gone the route of at least a dozen prior schemes for "winning the people" by providing them with security and a stake in the structure. The cities of South Viet Nam which have heretofore been spared most of the ravages of the war, almost by tacit understanding, have now been drawn into the vortex of its terrible devastation. If there is an alternative to chaos in what has heretofore been the core of the government's strength, it will lie in yet another costly task of reconstruction and rehabilitation which can hardly be borne by the South Vietnamese government.

What is now clear is that no part of South Viet Nam is secure for anyone. The hamlets, villages, and the cities of Viet Nam are seen to be honeycombed with a NLF infrastructure which has undoubtedly existed for many years, which is still intact and which may well be stronger than ever.

It is possible to point to one-sided casualty figures and to echo one-sided words of reassurance. If we are interested in saving lives rather than saving face, however, I think we will find the realism to confront the implications of the present situation. The Saigon political structure is no stronger today than it was three years ago in the sense of being able on its own to govern, to defend or to rally the people of South Viet Nam. Indeed, its very survival now appears more dependent upon American military power than at any time in the past. In short, once again there is not the beginnings of a beginning of a stable political situation in South Viet Nam.

That such is the case, in no way reflects on the courage or the competence of the military forces which have carried the burden of combat in Viet Nam for many months. In statistical terms, these forces have been immensely effective. They have won major engagement after engagement. The figures say that over 87,000 enemy troops were killed last year, that another 27,000 have crossed over to the government side and that countless thousands were captured or were otherwise put out of action. Naval and air power have pounded so much of North Viet Nam into rubble that there are left unscathed scarcely any military or industrial targets.

Nevertheless, for the kind of war which is being fought in South Viet Nam, the forces in opposition continue to obtain adequate and, apparently, ever more sophisticated military supplies over the infiltration routes from the North. The NLF remains omnipresent, from the demilitarized zone at the 17th parallel to the Mekong Delta and its regular forces and guerrillas are steeled to accept great privation and to make enormous sacrifices. The Viet Cong remain entrenched and virtually untouched in their traditional strongholds—the swamps, paddy-fields and hamlets of the Mekong Delta—from whence they are now seen to be able to dispatch forces to Saigon and other cities. North Viet Nam has committed to the war in the South considerably less than a quarter of the well-trained forces of General Giap. And beyond North Viet Nam lies the untapped manpower of China and the supply sources of both China and the Soviet Union.

These are some of the realities which the computers of "progress" in this war do not measure. These are some of the realities which urge us to recall the original purposes for which the nation was committed to South Viet Nam. They were, above all, limited purposes. We went into Viet Nam not to take over a war but on the assumption that we were summoned to aid the people of South Viet Nam.

From the outset, it was not an American responsibility and it is not now an American responsibility to win a victory for any particular Vietnamese group, or to defeat any particular Vietnamese group. It was not then and it is not now an American function to insure that any political structure shall be enshrined over the smoldering ruins of a devastated Viet Nam. Even if we could, we should not seek to synthesize a government or system for South Viet Nam. That is not the responsibility of the American military command, the American economists and the American political scientists who are gathered in Saigon or elsewhere. That is a responsibility which can only be exercised by the Vietnamese people themselves. The sooner that the limits of our commitment are recognized by all directly concerned, therefore, the better for all concerned.

We need to face the probability, bluntly, that the build-up of the American involvement, in its very immensity, may well have already extended the role of this nation beyond those limits. In so doing, it may not be aiding—as it was intended—to resolve the situation in accord with the wishes of the people of South Viet Nam. It is apparent, for example, that the more that U.S. forces have taken the major combat role, the slacker have been the efforts of the allied indigenous forces. It is apparent, too, that a massive U.S. technological presence in South Viet Nam has exerted a revolutionary impact on the whole of the fabric of traditional Vietnamese society.

In a physical sense, the crushing weight of modern warfare has fallen not only on the Viet Cong—the NLF—and the North Vietnamese but on all Vietnamese. The terrible cost in lives and property throughout Viet Nam is borne by Vietnamese of all political colors.

Our immense effort, in short, has gone a long way in altering the character of what was once an inner struggle among Vietnamese. In the end, however, the future of Viet Nam must depend on the Vietnamese themselves. It is their country; they live in it. They will be living in it long after we are gone from it.

Our commitment is to support, not to submerge. To strip the Vietnamese struggle of its Vietnamese character, to convert it into a war to be won or lost by this nation, detracts from its relevance both to the people of Viet Nam and to the people of the United States. To do so is to consolidate an American involvement on the Southeast Asian mainland of indefinite duration and obscure purpose whose terminus is not visible—not in Viet Nam, not in Laos, or in Cambodia. Indeed, it may well be an involvement which is without exit except in World War III.

This nation is deeply committed in South Viet Nam but let us not make the mistake of interpreting that commitment as compelling us—in the name of victory or whatever—to see to it that every last member of the NLF is either dulled, dead, or fleeing to the North, and that North Viet Nam has been bombed back into the Stone Age. That course leads not to an ending but to an endless succession of violent beginnings. An interminable involvement of American forces may meet the desires of some in Viet Nam or of some other nation, but that course does not accord with the substance of the interests of the United States.

President Johnson has repeatedly stated that this nation's objective is ". . . only that the people of South Viet Nam be allowed to guide their own country in their own way." He has stated that he is willing to move at any time in negotiations which might bring about that result.

It should be made clear to all concerned—Americans and Vietnamese—that that is the extent of this nation's commitment. The

commitment is to all of the people of South Viet Nam. We have no obligation to continue to pour out the blood and resources of this nation until South Viet Nam is made safe for one faction or another.

Indeed, in my judgment, there is little prospect of meeting our actual commitment to the people of Viet Nam in the visible future unless there is a prompt restoration of peace. On that basis, every avenue—in the United Nations or elsewhere—should continue to be explored in an effort to reach an honorable conclusion. In so doing, this nation needs no sanction or approval from any group, leader, or whomever in Viet Nam or anywhere else.

In the hope of bringing about a peaceful settlement without adding to the burdens of the American forces in the south, I have joined Senator John Sherman Cooper, a distinguished colleague with whom I served in the U.N., & a former Ambassador to India and others in urging that the bombing of North Viet Nam be restricted to the infiltration routes at the 17th parallel. I am frank to say, however that while it may well result in negotiations, I am not at all sure that a cessation of the bombing is the critical factor in bringing this war to an honorable conclusion. More important, in my judgment, is the framework in which the war in Viet Nam is seen and within which its conclusion is negotiated. It is doubtful that there is a basis for fruitful negotiations if the conflict is defined as a simple case of aggression on the part of the North against the South. The reality is far more complex, far more subtle. That is true insofar as the relationship between North and South Viet Nam is concerned. It is true insofar as the relationship of the various groups and elements within South Viet Nam is concerned. The government in Saigon, as it is presently constituted continues to be run by a faction of military officers—indeed, most of whom are northerners—and they are by no means the whole political coin. There are other groups of southern Vietnamese, the Cao Dai, Hoa Hoa, Buddhists, Dai Viet, Catholics, Montagnards, & others who must be taken more into consideration if there is to be an end to the bloodshed in the foreseeable future. These groups include not only those within the National Liberation Front but elements which are now without significant voice in either camp.

A negotiated solution, if there is to be one, may well involve preliminary discussions among the political, religious, and sectarian groups, as well as the ruling military group, which are to be found under the Saigon structure. If there can be some common agreement among them to seek a settlement of the war, it is at least conceivable that there could then be discussions with the National Liberation Front. Needless to say, such discussions can hardly take place if the Saigon government regards even words of compromise as treasonable.

If the door could be opened to peace-talks among the South Vietnamese themselves, one would hope that it would make easier the opening of doors to negotiations between this nation and North Viet Nam and among all the nations directly or indirectly concerned in the conflict. A basis might then be laid for applying the Geneva accords of 1954 and 1962 in determining the future relationship of the two parts of Viet Nam and for guaranteeing the neutralization of Viet Nam and all of Indo-China. May I add it does not much matter whether such discussions are held under United Nations auspices or in Geneva, or in some other appropriate forum. What is necessary is that they encompass all who are closely involved, including China, if there is to be a durable peace in Viet Nam and Indo-China.

I do not know whether there are any greater prospects for progress towards peace in this approach than in the countless others which have been suggested. I believe, however, that unless there is the beginning of a negotiated peace, the fires of war in Viet Nam will blaze ever more fiercely. They will spread further and further, leaving ever wider arcs of a piteous wreckage. And if the fires burn out of control to World War III, what nation will claim the victory? Indeed, what nation will be left to claim it?

Mr. MUSKIE. It was highly appropriate, Mr. President, that following his speech, the degree of doctor of laws should be conferred upon Senator MANSFIELD by the president of the university, Dr. Edwin Young. As evidence of the great respect in which the majority leader is held by the people of Maine, and the pride we take in him as an honorary alumnus of the university, I ask unanimous consent that the citation read by Dr. Young be printed in the RECORD at this point.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CITATION READ TO SENATOR MANSFIELD, UNIVERSITY OF MAINE CONVOCATION, FEBRUARY 11, 1968, ORONO, MAINE

Born in New York City and raised in Great Falls, Montana, he became a grammar school dropout at the age of 14, when he enlisted in the United States Navy to serve in World War I. At the close of the war, no doubt feeling that a variety of experience would be useful later on, he re-enlisted and served a one year hitch, but this time in the United States Army. This prepared him for the ultimate in military activity, two years "on the land and on the sea" with the United States Marine Corps.

Passing up a career in the Air Force, he returned in 1922 to Montana to work in the mines. Soon his desire for more knowledge and wider horizons led him to take a qualifications examination to enter college. After a start in the Montana School of Mines, he went on to the B.A. and M.A. Degrees at Montana State University. Meanwhile, his interest in peoples beyond our borders had become deep and strong. After further studies at UCLA he was for 10 years a professor of Latin American and Far Eastern History at Montana State and is still professor of History on a permanent tenure at the University of Montana.

While still a college teacher he was elected to Congress in 1942 and served 5 terms in the House of Representatives. He is now in his third term in the Senate. His unusual qualities brought him the post of Assistant Majority Leader even in his first term. In 1961 he became Majority Leader of the Senate, a position he still holds. He is an influential member of the Senate Committee on Foreign Relations. Few men in politics are so well qualified for this work. In the past 16 years, under 4 Presidents, he has served his country with exceptional distinction, especially in foreign affairs as related to Europe and his long-term interests—Latin America and Southeast Asia.

In recognition of your distinctly American rise from modest beginnings, of your exercise of statesmanlike qualities over a quarter century of public service, and of your wide reputation for integrity, forthrightness, and steadiness in a trying profession in trying times, the Trustees of the University of Maine are pleased and proud to confer upon you the honorary degree of Doctor of Laws; and by virtue of authority granted to me by the Board of Trustees, I declare that to Michael Joseph Mansfield belong all the rights and honors of the degree which has been granted and that his name shall forever be borne on the rolls of the University of Maine.

Mr. MUSKIE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Bangor Daily News of February 14, 1968.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LET US HAVE MORE FRONT-RANK VISITORS

We congratulate the University of Maine, assisted by Senator Edmund S. Muskie, for bringing to the Orono campus last Sunday such a distinguished visitor as Senator Mike Mansfield of Montana, Democratic chieftain in the Senate.

As honor guest at the Founders Day Convocation, Mansfield gave an interesting talk and news interview. His words provided copy for the news media of the nation, bearing the dateline of Orono, Me. He talked very frankly about such controversial matters as the Vietnam war and the proposed travel tax. It was a stimulating day.

We hope it will spur efforts to bring other prominent leaders into the state from time to time. Maine is small in terms of population and not very influential in national affairs. But its citizens and educational institutions are first class, and rate a fair share of attention by front-ranking national leaders. This was recognized, by the way, by no less a person than the late President John F. Kennedy, whose visit to Orono in 1963 was a most memorable event.

Let's think big when seeking distinguished guests for college commencement exercises and other important occasions relating to affairs within the state.

U.S. REPRESENTATIVE TO U.N. COMMISSION ON HUMAN RIGHTS URGES U.S. RATIFICATION OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, in the United Nations Commission on Human Rights, where the great issues of human dignity and world peace are being debated, the U.S. failure to ratify the Human Rights Conventions on Forced Labor, Freedom of Association, Genocide, and Political Rights of Women is particularly embarrassing to this Nation and our allies.

To those people who represent our Nation at the U.N. Commission on Human Rights, the embarrassment is especially acute. Mrs. Oswald B. Lord, our representative to the Commission, eloquently expressed her own convictions and experiences before the Dodd subcommittee last spring when she said:

We recognize the fundamental and intrinsic importance of human rights; we have learned through bitter experience that systematic and deliberate denials of human rights have a direct relationship to the preservation of world peace. Peace and security cannot be assured in a world in which peoples who are denied their individual rights are pressed to resort to measures of violence against their oppressors. And the governments which violate the fundamental human rights of those whom they control cannot be expected to respect the rights of other members of the international community.

Once again, Mr. President, I earnestly urge the Senate to give its advice and consent to these Human Rights Conventions on Forced Labor, Freedom of Association, Genocide, and Political Rights of Women without further delay.

PROPOSED REDESIGNATION OF THE DEPARTMENT OF THE INTERIOR AS THE DEPARTMENT OF NATURAL RESOURCES—ADDRESS BY SENATOR MOSS

Mr. METCALF. Mr. President, the distinguished Senator from Utah [Mr. Moss] early last session introduced the bill S. 886, which several other Senators including myself cosponsored. This bill would redesignate the Department of the Interior as the Department of Natural Resources and transfer various functions from the Department of the Interior and others to the Department of Natural Resources.

On February 6, Senator Moss spoke before the Mississippi Valley Association in St. Louis, Mo., in support of this bill. In order that all Members may have the opportunity to read this excellent speech, I ask unanimous consent to have the speech printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR FRANK E. MOSS, OF UTAH, AT THE MISSISSIPPI VALLEY ASSOCIATION, ST. LOUIS, MO., FEBRUARY 6, 1968

I welcome this opportunity to talk to the members of the Mississippi Valley Association for several reasons.

First, I find myself in a friendly community of people truly concerned with preservation of our country's natural resources.

Second, this organization has a long and constructive record of support of water resource development, and by virtue of the broad base of participation in your program, you have substantial influence in the National Congress.

Finally, I want to take advantage of this discussion to try to enlist your increasing support for policies and programs which are much broader than the Nation has ever had before concerning the care and development of water resources and the expansion of our utilization of these resources.

After these remarks, I will be happy to answer questions if your schedule permits.

It is not my purpose here today to ask your endorsement of legislation which I am sponsoring to establish a Department of Natural Resources. I say only that the proposed act, S. 886, is designed to bring about better coordination and direction of Federal efforts in the entire field of care and utilization of our natural resources.

It is my purpose to ask you to consider the condition of the Nation's water resources. I urge that you then devote as much effort as you can spare in the months and years ahead to the attainment of objectives which we might agree on here this morning. You may come up with a better solution than the one I have proposed. One way or the other, we should join forces in the interest of saving our country from an unpleasant fate.

Dr. Lamont C. Cole, an ecologist at Cornell University, presented a paper before the American Association for the Advancement of Science in New York last month on the general subject of pollution—of the air, of our waters, including the oceans, and the land itself. His paper was titled: "Can the world be saved?" He said the title was his second choice. His first, having been used by a fellow scientist some months before, was: "Is There Intelligent Life on Earth?"

Dr. Cole was discussing the destructive impact of a revolution which Walter Lippmann calls the most radical in the history of mankind.

"This revolution," said Lippmann, "is a transformation of the human environment, and of man himself by technological progress which, beginning about two centuries ago, has now acquired enormous momentum."

This revolution multiplies the effects of man's exploitation of resources. Man's abuse of the land is centuries old. What is new is the speed, or, as Lippmann says, the momentum, which is a function of both speed and mass, of our compulsion to alter the environment.

Long before the industrial revolution, great civilizations deteriorated and disappeared as a consequence of unsound soil and water utilization practices. Plato determined on his own that deforestation and over-grazing could cause soil erosion and ruin fertile land, but he couldn't change the practice.

We speak of the countries struggling in those parts of the world which suffer from erosion, aridity, and poverty as the underdeveloped countries. Some of them are overdeveloped—or it might be clearer if we say their development is over. Surely, the evidence of past glory and past folly can be seen in the Middle East, in the valleys of the Tigris, the Euphrates, the Jordan, and the Nile. Are we living through the same cycle? Can we assure Dr. Cole that the world will be saved? In our country, the signs are disquieting. Look at any part of it you want. This association's own reason for being—Ole Man River—is asked to carry a heavier load than ever before and is threatened with being bled for massive transfusions to other basins. In the northeast, the cyclic droughts which used to be taken in stride are now near calamities. One of the Great Lakes is dying. Appalachia, probably one of the most important water-producing regions in the world, is scarred by strip mining and its hills are skinned of their timber. The Southern High Plains are mining their groundwater. The whole southwest is threatened with water shortage. Major cities are covered half the time with a layer of smog. With the pollution of water and atmosphere and the paving over of the greenstuff of the earth, says Dr. Cole, we may even be so inhibiting photosynthesis as to reduce regeneration of the oxygen used in combustion.

But it is not enough to abate pollution and conserve the resources we have. We must extend our resources, not just prevent their despoilation. Our need for raw materials continues to increase—and the rate of increase increases.

Resources for the Future. A Washington based economics analysis group, says we will triple our requirement for energy and metals by the end of this century, almost triple our demand for forest products, and double our need for farm products and our withdrawal depletions of fresh water.

The restoration and care of water resources and the efficient utilization of our fresh water supplies, covering everything we need to do to preserve and extend the life support capabilities of natural water endowment, is a most critical area of National concern for our future.

There are many indications that the American people realize the seriousness of the water situation.

One can be seen in the legislation passed in the last five years, or, more accurately, since the massive study and report in 1961 of the Senate select committee headed by the late Senator Kerr of Oklahoma. That report is the real foundation for everything the Congress has done since.

We still have a lot to do, but the legislation launching the pollution control program, establishing the water resources council and providing for the basin commissions, and legislation authorizing such studies as the Appalachian and the northeast water resource surveys by the corps of engineers, are true landmarks of progress. No other presidents, unless it be the two Roosevelts, have even come close to Presidents Johnson and Kennedy in their support of resource care and development.

I link care and development on purpose. Too often we tend to overlook their interdependence. We can't have development without productive conservation, even though developmental projects on their way to approval must run a rough gauntlet of criticism from those who oppose any alteration of nature.

There is a principle involved here which must have public understanding and acceptance.

Every natural resource development project that changes nature's pattern of distribution of her blessings, every withdrawal of her wealth, must be weighed in the balance of nature's capacity to support future life.

In other words, we must always look first at what any project would do to nature's ongoing capability to supply several hundred million of us for as long as we want to live here.

It is obvious that we cannot leave nature alone. Unaltered and untended, she simply wouldn't support us. We have to take care of the forest fountain sources of rivers, and we have to fend off flood assaults. We have to catch and store for controlled flow and use more and more of the runoff water on its return to the sea. Irrigation and navigation are two of the benefits of such work. More and more, recreation is becoming a priority benefit on its own because as our population pressure increases, people need release for their energies and relief from urban crowding.

My point is that, with all due respect to the scenic conservationists, we still have to build dams and we have to store, convey, and contain water. And increasingly, we're having to redistribute it.

Some interesting prospects are coming into view on the subject of redistribution. Water resource planners are looking over and beyond the rims of river basins.

Patterns of precipitation were not designed by nature to fit population distribution. As a result, the people and the water of the North American continent are out of phase.

Climate, of course, is one of the principal reasons. Some of the less appealing parts of the continent as places for people to live are exactly the areas most generously supplied with water. I speak now or northern Canada. Canada's north has unmeasured supplies of water, but her population is concentrated along the southern rim of the country.

It is time for the question to be asked seriously and studied: Can Canada expect to settle the northern areas with enough people to utilize the immense amounts of water now running off each year into the northern seas? If not, then can she not make good use of those waters by selling some to the United States? I, for one, am urging that talks begin along these lines.

Now this is truly long range planning, but the complexities are such that we should give the matter serious study starting now. I have spoken several times in Canada on this subject, emphasizing the point, of course, that both countries have a lot of homework to do before we can enter into further water trade agreements. I am beginning to feel very strongly now that after an initial, and perfectly understandable negative reaction to the whole idea, the Canadians are giving it a very hard look.

My interest in the possibilities of imports of water from the far north for my own State of Utah and for the whole southwest stems from the publication in the spring of 1964 of a report by the Ralph M. Parsons Company on a concept labeled NAWAPA, for North American water and power alliance.

The company makes no proprietary claims on the idea. It invites critical analysis and improvement, or extensions. The real significance of the Parsons work is that it indicates both the economic and technical feasi-

bility of development of water resources on a continental scale.

In 1964, I served as chairman of a Senate Public Works Subcommittee which found that the NAWAPA plan could deliver twice the water for about 25 per cent greater cost when compared with our own maximum program. This was actually based on a list of all the water resource development projects proposed in the U.S. for the next twenty years by the four principal water resource agencies of the Federal Government. More importantly, the NAWAPA concept was subject to expansion and has since been extended to give greater attention to the Great Lakes. It has also spurred a half dozen other plans of less than continental scope but all following the approach of massive inter-basin transfers of water.

One of these is the plan of Thomas H. Kierans, an Ontario engineer, who would bring new water into the Great Lakes from the James Bay watershed. He says sufficient water could be transferred to enable the lakes to be used as a great distribution manifold to supply the central and eastern parts of the United States, obviously benefiting the Ohio and Mississippi systems.

In addition to tapping the James Bay supply, though on a lesser scale initially than the Kierans scheme, the Parsons plan would bring water into the lakes from the northwest via a 30-foot channel seaway across the prairie provinces of Canada. There would be a 12-foot barge channel connection to the Garrison Dam on the Missouri and into the upper Mississippi via the Minnesota River. The NAWAPA system would permit low-flow augmentation of both the Missouri and the Mississippi, as well as putting new water into the lakes in sufficient quantities to redistribute through the New York State barge canal and thence into the Susquehanna and Delaware.

Some of these suggestions have not been checked out. It is clear, however, that a number of old waterway extension ideas gain in merit and some new ones show great possibility once we begin to look at the continent as a whole. It is simply a matter of making constructive redistribution of some of the literally hundreds of millions of acre-feet of water which resource planners say could be recovered every year from the northern reaches of the continent.

All of the proposed improvements or extensions of the inland waterway network of the United States, from the Dakotas to Florida and from New York to Texas, take on fresh appeal if they become parts of an integrated continental system. Midcontinent development is only half the story.

There is a western mainstem of the NAWAPA concept which could deliver upwards of 75 million acre-feet to the arid States of the West and some 15 million to Mexico. At the same time, it would permit better regulation of the Columbia and full utilization of its entire basic power potential. It could give Southern California all the water it needs and supply much of Nevada, most of Utah, Arizona and New Mexico, and bring additional supplies into the high plains of Texas. It would stabilize flows in both the Colorado and the Rio Grande, and bring new water into West Texas.

As I have said, many variations have been suggested on the general concept. The most recent was proposed by a retired reclamation engineer, Lewis G. Smith, whose plan is being circulated by the Federation of Rocky Mountain States, an organization of Governors.

All of this, of course, is based on swivel-chair engineering. Some of it may not stand up on close analysis and field study.

You may well ask why we don't get busy and check some of these prospects. If the engineers are right, Canada can assure herself of a continuing inflow of capital from a sustained yield crop while both the United States and Mexico could import enough water to sustain their greater population densities.

Why don't we check these ideas out? Why don't we examine the basis for all these plans—importation from Canada—and decide if it would be good for us in the long run or not?

I'll tell you why we don't. There's no place in the sprawling Government of the United States to which we can turn for help. No agency has broad enough responsibility, to take on such a job. This is one reason why I have proposed a department of Natural Resources.

We are unable to answer the critical questions because we have no machinery to evaluate a water resource proposal that involves the whole country. Some parts of the questions are, of course, being studied within some agencies. Some are being studied by the river basin commissions set up under the Water Resources Planning Act of 1965, but these commissions are prohibited by law from studying inter-basin transfers. The Water Resources Council is trying to guide their work toward some kind of a unified plan. The law setting up the council calls for a biennial national assessment of our water supply situation and the first report will soon be available, but it can do little more than describe the problem.

Henry Caulfield, director of the professional staff of the council, who, I am told, spoke here last year, has a very difficult job. He has to keep peace not only between the States and the Federal forces but within the Federal family as well. Aside from the fact that every agency involved has to approve the document, in order that the national assessment not reflect unfavorably on any agency's policies or program, the council-type machinery is too cumbersome to do the job.

The chairman of the council is the Secretary of the Interior. He is the single most powerful water man in the Federal Government by virtue of his supervision of the Bureau of Reclamation and the Federal Water Pollution Control Administration. But even his jurisdiction is limited. The oldest hand in the water resources field and the biggest in terms of a continuing water resource development program is the civil works division of the Army Corps of Engineers, which has had an assignment in this field since 1824. The Secretary of the Army is, therefore, a key member of the council. These two executives had no formal mechanism at all, cumbersome or otherwise, for coordination of programs until the passage of the 1965 act.

There are other very important people and organizations which have a stake in the deliberations. The Federal Power Commission, whose chairman is a member of the council, has an important interest because of licensing responsibility for hydroelectric generation. The Secretary of Agriculture has a key role by virtue of the Department's program of development of watersheds and the role of the U.S. Forest Service in the care of water-producing lands.

The Secretary of Transportation is a member of the council because of the national importance of water transport. He, of course, should be one of the most active promoters of integrated national water resource planning in order to strengthen the Nation's overall transportation resources.

Probably the most concerned member of the water resources council, who serves by invitation and not by statute, is the secretary of the Department of Housing and Urban Development. He has to be thinking about the urban distribution to another hundred million Americans within the next half century. Where will he get the water for them?

I can tell you this. He is going to have a hard time getting enough good water to these new urban complexes through the system we have set up so far to manage the Nation's waters.

Coming from Utah, my first concern with water is to supply my State and region, which are water-short. As an American, my interest necessarily covers the interests of all our people. Moreover, I recognize the problems of any region can be solved only in a national context and—to some degree—through Federal programs. This does not mean that the traditional responsibilities of States, counties and cities in the water field will disappear. On the contrary, they will increase as our population and per-person use of water go up. More and more, however, our Nation needs unified natural resource management.

Where do we stand? In concrete terms, what needs to be done in the water field that we are failing to do?

1. We are not doing enough to take care of the water harvest areas of the country. In other words, we need work productive or developmental conservation work.

2. We are not making full use of the waters of the United States. No coordinated national plan exists for collection, storage, and redistribution of water. Therefore, we fail to realize the full potential of recreation, hydroelectric generation, and navigation, none of which need cost us any increasingly precious water, and all of which can contribute to our economic momentum and social enjoyment of the land.

3. We are still not doing enough to clean up the water courses. Heavily polluted, many are not economic sources of supply because of low quality.

4. We are not exercising sufficient discipline in our actual uses of water, improving industrial processes, employing more recycling, and avoiding waste.

5. We face serious consequences for lack of an irrigation policy. We have not estimated our total requirements for irrigation water nor attempted to balance supply and demand with available resources.

6. We are missing much of the potential of inland waterborne transportation and we suffer unnecessary flood damage because we have no coordinated national plan of water supply development and distribution.

Most importantly from the standpoint of my subject today, we are unable to mount a unified attack on all these problems. We are not planning with intelligent concern for the longevity of our national life. We are failing to safeguard nature's continuing capability to support us in the manner to which we have become accustomed.

I am not alone in this dismal assessment. Last spring, for example, in the course of hearings on a bill to establish a Committee on Technology and Human Environment. Senator Muskie of Maine made this comment on the testimony of the Secretary of the Interior. I quote from the transcript:

"You made the point, and I think it is a valid one, that despite the Theodore Roosevelts and the Franklin Roosevelts, and the other conservationists, our conservation effort by and large has been a failure. It achieves objectives, of course, but I think it is fair to say that in a sense we are worse off than we were when we began. This is not because we lack workers dedicated to the conservation ideal but because technology has moved faster than we have been able to develop conservation policies."

The Secretary of the Interior said: "That is right."

Senator Muskie continued:

"We want to get away from conservation by crisis. We want to get into conservation by deliberate planned design, avoiding the bad consequences of technology advance and taking advantage of technology to avoid such consequences."

I should mention one new and hopeful sign. Legislation should soon be submitted to the President establishing a National Water Commission of private citizens with a five year mandate to write the kind of water

policy guidance that we are not able to develop at present. I support this bill heartily, even though I do not believe the Commission's recommendations will be enough, or come soon enough.

The problem is one that necessarily concerns every American. I plead for your support of the Water Commission effort, but also for efforts to bring into being the administrative machinery which can deal with the water problem across the board.

I say this because my conclusion is that the existing Government machinery is not adequate. We're not getting the most for our money and we are not giving our professional people a fair chance to meet the challenge which confronts the Nation.

As a matter of fact, it isn't fair to the professionals in the resources field to expect them to meet today's challenge in yesterday's administrative harness.

If you look at our problems, they are not primarily technical. Many of them are organizational and these are the ones I am trying to correct. We know what tools to use. The engineers, the foresters, the water and land use specialists in the civil works division of the Corps, in the Bureau of Reclamation, in the Forest Service and other agencies know their jobs and know what is needed. Freed of the restraints and obstacles that stem from division of authority and inter-departmental dilution of responsibility, they will be able to apply their expertise with much greater return to the Nation and greater professional satisfaction for themselves.

In my testimony on the natural resources bill, S. 886, before the Senate Subcommittee on Executive Reorganization last October, I said our needs in resource development and conservation have simply outrun our agency structure.

When the present organizational structure grew up (and it came to maturity like Topsy, "it just growed"), we had no such things as multipurpose projects. We didn't have to plan a dam, a canal, a sewer system—each was sufficient to itself. We didn't have to worry about pollution, and we didn't worry about it. Within the past century-and-a-half since the Corps was given the assignment to clear the channel on the Ohio, we have come to the absolute requirement of multipurpose investment in water resources. But we have no multipurpose agency to handle the investing.

This bill, which I introduced and which has six additional sponsors in the Senate, would assign to a new Department of Natural Resources all the major Federal responsibilities and functions relating to the care and development of our natural resources including both the oceans and the air.

The program realignment and reorganization envisioned by this bill is long overdue. There is still much debate to come, but the legislative process itself contributes to public understanding, and therefore public support of measures which truly serve the national interest, even though they mean drastic remodeling of the bureaucratic house we've lived in for so long. The need is urgent. We should get on with the job.

My plea, to the Mississippi Valley Association today, is to invest the great resources of one of the most powerful citizen groups in the Nation in seeking a solution to the total national problem, mobilizing and consolidating the great breadth and variety of your traditional interests in the national interest.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A MARINE WRITES FROM VIETNAM

Mr. JACKSON. Mr. President, recently the Everett, Wash., Daily Herald, my hometown newspaper, published a letter written by Sgt. Thomas Freeman, of the 3d Marine Division in Conthien, Vietnam. A constituent of mine, Mr. L. P. Rowe, of Everett, was most gracious in sending me a copy of the clipping with the observation, "It speaks for itself."

Sergeant Freeman, a marine who has seen some of the toughest fighting of the war at Conthien, responds to questions asked him as to why he is fighting in Vietnam. His response is eloquent and I am sure will be of great interest to Senators. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter to the editor was ordered to be printed in the RECORD, as follows:

LETTERS: PEOPLE ASK

3RD MARINE DIVISION,
Con Thien, Vietnam.

People ask why should I be here fighting, and this is what I have to say:

I am American and I have realized that the price of freedom is not back home protesting what the U.S. is doing in South Vietnam. We are free because all these years we have backed our government, not fought against it. Our fathers and our fathers' fathers have died for a free country and now it may be our turn. Do you think we should turn our backs on this country because it is so far away? Not after you have had a mother tell you her son was shot because he didn't want to fight with the Viet Cong; nor when you hear her say: "If only we could live in peace."

Now, your country is calling for your help. Why should you turn your back? It has given you 20 years or even more of freedom and now it is time you do something for your country. You say, this isn't your war, why should you fight? But just think—if your father and his father had said that, do you really think this country would be as free as it is now?

Now as I sit here at the top of this bloody hill and look at my fallen buddies my heart skips a beat. There my buddy lies, his heart very still; no more danger will enter his life. With tears in your eyes you suddenly realize he has given his life for you and for his country.

My God, my God, why can't the American people realize the price of freedom? If it is my life I have to give for this country's freedom I will gladly give it—and then hope more people will come to realize what we are trying to do.

Sgt. THOMAS FREEMAN.

MARGARET CHASE SMITH—WOMAN OF THE YEAR

Mr. HICKENLOOPER. Mr. President, the Senate—and all Americans—will be interested to know that our only woman Senator has been selected by congressional employees as "Woman of the Year." The Capitol Hill newspaper, Roll Call, reported yesterday that the Congressional Secretaries Club had chosen Maine's senior Senator, MARGARET CHASE SMITH, for this honor. I am sure the Senator from Maine considers this as great an honor as to be listed in the Gallup poll as one of the most 10 admired women in the world.

Among her other honors, Senator SMITH is the first woman Senator ever to serve as chairman—or chairwoman—of her party's conference in the Senate. Also, she holds the title of having answered more consecutive rollcall votes than any other Senator in history.

On March 23, at the Shoreham Hotel, the senior Senator from Maine will be formally awarded her latest honor at a dinner to be given by Capitol Hill secretaries.

OUR WORLD ALLIANCES

Mr. McGEE. Mr. President, I read recently an assertion that our alliances around the world are crumbling and our world position is undermined.

Politicians sometimes seek to advance their interests by making statements like that. It is not the highest form of politics nor the highest form of patriotism.

In this case, it is simply not true.

We have had no new alliances in the 1960's. NATO and SEATO and ANZUS were sanctioned in earlier years, as was the Organization of American States.

Looked at closely, all of these alliances, as well as certain of our bilateral security arrangements, have met the test under President Johnson, which measures the vitality of any alliance: can it successfully grip new problems and move forward.

In the case of NATO, for example, we have faced the defection of France from the integrated military defense of Europe. This was a serious decision. But what happened? All the other members of the alliance stayed together. They moved to Brussels. SHAPE, the integrated command in the field, is as vital as ever. The effectiveness of the deterrent in Europe has been maintained and even strengthened.

More than that, freed of the foot-dragging by the De Gaulle government, NATO has plowed new ground. There are now, for the first time, an agreed strategic concept in NATO and agreed force levels. There is an agreed procedure for neutralizing the foreign exchange costs that arise from the location of forces within the alliance. And now NATO is considering joint work on certain major political issues where there is a common interest, notably East-West relations.

In nonmilitary fields our cooperation with Europe has become more intense and more effective. It was essentially European cooperation with the United States that made possible the success of the Kennedy round negotiation. Europeans have for the first time accepted a regular responsibility in food aid.

Europe and the United States worked together to produce the new International Monetary Fund Reserve Unit. Right now Europeans and Americans are cooperating to deal with our policy of improving our balance of payments in ways which expand and do not contract the world trade—which lead to greater liberalization rather than a protectionist spiral.

With respect to Latin America, the Alliance for Progress—born at Bogotá, carried forward by President Kennedy—has never been more vital than in recent years. The Latin Americans have come to accept what they had to accept if they were to succeed; namely, that it was mainly their job, with the United States

as junior partner. At the summit conference at Punta del Este, they undertook to move in the 1970's toward an effective common market. In the meanwhile, they are working together on many multinational projects to open up the inner frontiers of South America, to exploit natural resources, to improve communications, and to bind their destinies closer together.

Now what about Asia? It is true that certain members of SEATO have, for whatever reasons, decided that they could not put their forces into the battle in Vietnam. But the Australians are there, and the Thais and the Filipinos and the New Zealanders. The South Koreans, in a remarkable effort, have sent more than 50,000 of their men to fight the aggression against South Vietnam. From Djakarta and Singapore to Tokyo and Seoul there are 300 million Asians who know that their independence and freedom depend on our seeing it through—whether their forces are engaged or not.

And whether they acknowledge it publicly or not, the leaders of India and Pakistan have often confessed privately to many of us who have visited here that it is the simple truth for them and their nations.

In these past few years under President Johnson's leadership a wholly new pattern of cooperation has emerged in Asia. Nations which had never worked together before are now joined together in the tasks of economic development through the Mekong Committee and Asian Development Bank and special programs in education, transportation, and other fields.

In Southeast Asia, for example, there is ASPAC—the Asian and Pacific Council—in which 10 countries have joined together to examine their political problems. There is also a grouping of five nations—the Association of Southeast Asian Nations, including Indonesia and some of its neighbors.

This new sense or common destiny and cooperation throughout Asia—this conviction that, because we are seeing it through in Vietnam, they have a common future to build—is one of the most heartening and important events in the pastwar years.

It is too bad that some Europeans have turned their backs on the New Asia. It is too bad that some Americans do not understand how important it is for the future of this country—for our children and grandchildren—that free and independent Asian nations join together in this way.

But Asia is where two-thirds of humanity lives. An Asia in chaos and war, in stagnation and poverty, nations split among themselves and vulnerable as the playthings of other powers, would surely endanger the security and the prosperity of the United States.

Yes, the battle in Vietnam is hard. We all wish it would go away tomorrow.

Yes, there are dangers still ahead. And the outcome for Asia and the world cannot be predicted with certainty. But the simple truth is that the world position of the United States remains strong; our alliances are active and vital; and, in a complex, revolutionary era, we are working with others to widen the area of security and order.

Let us, then, have less handwringing. Let us remember that every day that passes makes isolationism less possible as a basis for the policy of America. Let us recognize that in Europe, Latin America, and Asia there are those who not only depend upon us but, every day, are willing to move a step away from dependence, a step nearer true partnership.

That is the road President Johnson has taken in these 4 years. It is a record of which every American can be proud and for which every American should be thankful.

THE COPPER STRIKE

Mr. FANNIN. Mr. President, on February 12 and 13 the New York Times printed articles demonstrating the difficulty of the copper workers in the present labor dispute afflicting that industry.

More than 10,000 Arizonans are idled because of the strike called by the United Steelworkers of America. It seems paradoxical to have union leaders in the steel industry dictating policy that vitally affects the lives and jobs of thousands of copper workers, but that is the case. Such is the political power of the unions that they are able to cow the White House into inaction on this vital matter.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 12, 1968]

DESPAIR SETTLES ON COPPER TOWNS BUT BOTH SIDES ARE HOLDING FAST

(By David R. Jones)

BUTTE, MONT., February 8.—The chimes atop the Metals Bank and Trust Company gave out a strangely dolorous sound the other day as they rang the hours over this snowswept mountain mining town.

Experts here said the chimes were off key because a recent bout of severe cold weather sent the temperature tumbling to 35 degrees below zero and fouled up their mechanism.

But local humorists said the bells were moaning, rather than ringing joyously, as a symbol of the despair that has settled over this region because of the long copper strike and spread throughout the West since it began last July.

FACES ARE GRIM

The frustration and bitterness the long strike has generated can be seen in the grim faces of copper executives and union pickets—from the idle Anaconda Company mines in the hills here to the idle facilities on the Mexico border, and as far east as Connecticut.

"You can just about feel the tension when you walk down the street," says Andy Murphy, city editor of The Daily Press in Silver City, N.M.

"It's bad," says red-haired Frank Brunson, a 29-year-old striker, as he pauses to chat on the main street of Magna, Utah. "I'm having trouble keeping my head above water. The workers are getting pretty tired of it, but nobody's going back without getting some increase."

"There's a feeling of futility," says an Anaconda official wearily as he sips coffee in the Finlen Hotel here. "Everybody wants it to end, but no one knows how to end it."

The 26 unions involved are utilizing newfound unity built around last year's merger of the United Steelworkers union and the Mine, Mill and Smelter Union. Those former rivals have been joined by such diverse unions as the machinists, the electrical workers, the iron workers and the teamsters.

The strikers are showing surprising solidarity as the shutdown heads this week into its seventh month. A major reason is that they are being supported better than in the past through welfare payments, Federal food stamps and union strike benefits—a combination that has kept most of them from hunger.

JOE HILL RECALLED

The dispute has lately become more of a crusade for the antagonists than a mere labor dispute—reviving the memory of Joe Hill, the legendary folk poet whose songs rallied workers seeking to organize against the Western copper barons 50 years ago.

The copper strike has gained little public notice outside the affected mining regions because big stockpiles and a sharp increase in the rate of copper imports have prevented a severe shortage so far. But here in the West the shutdown is creating a revenue crisis for several states and misery for thousands of families.

The brunt of the cost has been borne so far by five Western states—Arizona, Utah, Montana, Nevada and New Mexico—where the bulk of the nation's copper mining and processing is located.

But as labor contracts have expired at plants in the East, the scope of the shutdown has grown so that more than 60 facilities in 23 states are now directly affected.

More than 60,000 men are on strike. Thousands more have been laid off across the nation as the impact of the shutdown has rippled to hundreds of businessmen and bankers.

MORE THAN $530 MILLION LOST

More than $530-million has already been lost in production, wages and tax revenues in the five Western states alone. The unions involved are believed to have spent roughly $8-million to $10-million on the strike so far.

The Johnson Administration has avoided using the emergency provisions of the Taft-Hartley Act to force the strikers back to work for 80 days, and it is showing no inclination of doing so in the near future.

The Administration has expressed doubt that it could prove in court that the strike was threatening the national health or safety, as it would be required by law to do. It also has doubts that such a short resumption of production would help alleviate any copper shortages, and it is under strong pressure from organized labor not to break the strike.

But the price of imported copper now is running about 65 cents a pound against the pre-strike domestic price of 38 cents. This is forcing up costs for defense producers, and has pushed the nation's adverse balance of payments for copper from a monthly rate of $18-million to more than $60-million.

The Administration now has a special three-man panel trying to mediate a settlement, but it has made scant progress so far. The panel has had some success in efforts to get direct negotiations resumed, but it has no present plans to recommend settlement terms because the parties still are so far apart.

COORDINATED BARGAINING

The strike has become a focal point in the broader labor-management fight over the growing union affection for coordinated bargaining by several unions dealing with the same employer.

The copper industry unions, after years of scrapping among themselves, have joined this year in a show of unity to win their goals. The companies are not refusing to bargain with the coalition, but labor's success

in this struggle seems certain to influence its future efforts to forge such common fronts.

George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, believes the copper fight is "something more" than a strike and "seems to be a throwback to the early days of this century." The copper companies are trying to "destroy the unity of the trade union movement," he said recently, and "this is a strike we cannot afford to lose."

The labor movement has backed its determination by pouring more than $800,000 so far into a copper strike fund, its first such effort since the long 1959 steel strike.

PLAN TO RAISE DUES

The United Steelworkers of America, which represents about 40,000 strikers, is spending more than $1-million a month on the strike. It plans to raise dues next month to help foot the bills.

The companies, on the other hand, are receiving strong support from such powerful forces as the National Association of Manufacturers and the United States Chamber of Commerce. They are pushing the Administration to invoke the Taft-Hartley Act.

The dispute is proving to be particularly tough because the unions are trying to win a change in the bargaining format that would fundamentally increase their power in dealing with the companies in the future. But the companies are fighting back bitterly to keep things unchanged and retain their relative strength.

The key union demand is for "company-wide bargaining" that would require each producer to sign simultaneously contracts for all plants and mines with common expiration dates and approximately the same economic package. The companies in the past have agreed to common contracts for only part of their operations, and have signed separate agreements with almost every local.

PRODUCER INSISTENCE

Joseph P. Molony, the chief union negotiator, says the producers have "insisted on fragmented collective bargaining" in nonferrous operations to weaken the unions by playing one local against another to get cheaper settlements.

The strike "can be settled readily" when the companies "make an adequate economic offer" and "decide that they must cease trying to continue their outmoded practice of bargaining plant-by-plant and union-by-union," he says.

"That day is past for them," he adds.

The four major companies—Anaconda Company, Kennecott Copper Corporation, Phelps Dodge Corporation, and American Smelting and Refining Company—have stanchly refused to agree to company-wide bargaining for fear it would strengthen the unions and lead to more costly settlements.

The copper companies produce various products, including lead and zinc, and officials contend the economics in each differs so much that it would be suicide to put them all under identical contracts. Anaconda and Kennecott officials have hinted that they might shut down facilities in Nevada and Montana if this happened.

The companies also contend that it is uneconomic to put fabricating plants under the same contracts as copper mines. They contend the steel union recently signed contracts with competitors at lower rates than the strikers had already been offered.

OFFICIALS WORRIED

Copper officials are worried, too, that the unions will push next time for industrywide bargaining if they get company-wide settlements this year. The executives abhor that thought because they fear it would result in crisis bargaining, more strife, more Government intervention and bigger settlements.

"It's clear and obvious that they will, if their power allows them, move toward industrywide bargaining as fast as they can," says John C. Kinnear, general manager of Kennecott's western mining division in Salt Lake City. This would give the unions "a life and death throttle you just don't give anybody willingly," he adds.

The soft-spoken executive looked steadily across the bright red carpet in his office overlooking the many-spired Mormon Temple and, pounding a fist on his broad desk, said firmly:

"We aren't going to have companywide bargaining."

"Their idea of a fringe benefit is to abolish flogging," Mr. Molony said of the copper executives a couple of days earlier as he lounged in his shirt sleeves in his Washington hotel room. "They know they've got a good thing and they're not going to surrender it."

But the unions, he added, are equally adamant about winning their point.

Most informed sources believe the unions and companies could rather quickly agree on a settlement costing about 90 cents an hour over the next 3½ years, patterned after a recent accord with White Pine Copper Company, if they could resolve the bargaining format issue.

The unions reportedly have been talking in that price range with Phelps Dodge. The copper workers average between $2.94 and $3.22 in hourly earnings.

SEVEN-MONTH STRIKE ENDED AT COPPER PLANT IN JERSEY

A steelworkers local ratified a new contract yesterday with the United States Metals Refining Company, ending a seven-month strike at the company's copper refinery at Carteret, N.J.

The major gains won by Local 837 were in the area of wages, pensions, health insurance and fringe benefits. The union said that the value of the package was $1.07 an hour. The contract expires June 3, 1971.

In addition to a 51-cent-an-hour wage increase, the contract provides for improvements in the pension program amounting to 31 cents an hour. Employe contributions were eliminated from health and welfare insurance.

The contract increases the minimum wage to $3.11 an hour, and the maximum to $4.24.

The nationwide strike against major copper companies will enter its eighth month on Thursday.

[From the New York Times, Feb. 13, 1968]

COPPER STRIKERS GLUM AFTER 7 MONTHS BUT RESOLVED NOT TO QUIT

(By David R. Jones)

MAGNA, UTAH, February 10.—Vincent Zito sat in a blue and silver picket trailer parked near silent Kennecott Copper Corporation refinery here the other day and talked solemnly about the long copper strike.

"I think most of the guys are a bit discouraged—I know I am," he said softly. "This thing's just going and going and going. It's going to take me three years to clean up my responsibilities."

Mr. Zito, who has worked in the red brick refinery for 18 years, was earning $3.47 an hour as a machinist when the strike began last July. For the last seven months he has been eking out a living for his wife and three children on $25 a week in union strike benefits.

He paused for a while, staring down at a table littered with cookie cartons, old Playboy magazines and soft drink cans as he thought out what he wanted to say. Then he summed up his feelings this way:

"If you fight for anything you believe in you forget about your losses. We're taking a beating but in the long run this is what has improved our standard of living. We're fed up all right but we're solid behind the strike."

UNHAPPY BUT DETERMINED

Mr. Zito's view of the shutdown, which involves 60,000 members of 26 labor unions at four major companies, was echoed by a large majority of the strikers interviewed in the five states most affected—Arizona, Montana, Nevada, Utah and New Mexico.

Most of the men were unhappy that the strike had dragged on for so long and most acknowledged that they were feeling a severe economic pinch. Few, however, showed any inclination to go back to work before the contract dispute was settled.

"There is definitely disenchantment with the strike," said the Rev. James P. Dowall, pastor of St. Joseph's Roman Catholic Church in Anaconda, Mont. "On the other hand, now that they've been out this long they figure they may as well go for broke."

"Financially, I'm busted," said Wilbur E. Moses of Anaconda, a curly haired machinist's helper with eight children. "But there ain't much we can do about it. We can't go back to work."

Peter Roberts, who has worked only three days since the strike shut down the Kennecott operations in Ely, Nev., has cashed savings bonds he planned to use to educate his three children, and borrowed from relatives to meet his $75-a-month rent.

TAKING TO IRONING

Inside the house of Robert Summerfield, a crusher operator at Inspiration, Ariz., his chunky wife, Janis, was busy at the ironing board. "I hate to iron," she said. "But since the strike I have taken in ironing for $2 a dozen pieces. You'd be surprised how far we stretch that $2."

The solidarity of the copper strikers seems to be a blend of many factors.

One is that most of the men are clearly mad at the companies.

Another is the strong union tradition of the mining towns, where any strike-breaker would be treated as an outcast or worse.

And one of the most important is that many strikers receive wide support from a combination of public welfare, Federal food stamps and union strike benefits.

Ed Johnson, head of the steel union's Local 6002 in Anaconda, said that nearly 900 of the local's 1,500 members were getting strike benefits of $12 to $24 a week, depending on family size.

In addition, he said, 500 others are believed to be getting county welfare payments of about $100 a month and almost all of them receive Federal food stamps, which provide about a week's free groceries each month.

This expenditure of public funds to sustain the strikers does not go down well at Anaconda or Kennecott or the other two struck concerns, the American Smelting and Refining Company and the Phelps Dodge Corporation.

Martin K. Hannifan, general manager of Anaconda's Montana operation in Butte, typified the copper executives' reaction when he snapped:

"This is the way the unions make their power struggle work. In the old days, their strike benefits would have been gone long ago."

IRRESPONSIBLE UNION LEADERSHIP

Mr. FANNIN. Mr. President, at a time when public employees are allowed to flout the law, endanger the public health and welfare, and allow garbage to pile up in the streets of our largest city, irresponsible union leadership continues to cry for more and more strangulation power.

The recent labor troubles that have beset New York City—the transit strike,

newspaper strike, taxi strike, garbage collectors' strike—are just a small indication of the troubles that are in store for the rest of the Nation if we continue to allow ambitious union leaders to arrogate to themselves a throttlehold on our economy.

William F. Buckley, Jr., manages to view our common problems with the proper mixture of alarm and humor that is his specialty. His recent newspaper column pinpointing the problem, pricking some egos and undoubtedly plunging many a unionist deep into his dictionary, is worthy of the Senate's attention.

I ask unanimous consent that Mr. Buckley's column on union outrages, printed recently in the Washington Star, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNION OUTRAGES SUFFERED IN SILENCE

(By William F. Buckley, Jr.)

It is increasingly difficult to work up public indignation over outrage, as long as it is committed by a labor union. In the past few years in New York City labor unions have closed down newspapers and killed off three of them. Labor unions have shut down the ships at sea, closing off passenger and freight traffic. Labor unions have grounded the airlines, or most of them, leaving passengers the option of flying either to Toronto or to Detroit, but nowhere else.

The labor unions have shut down the schools, all the schools, in violation of the laws which it is the supposed purpose of the schools to preach obedience to. The labor unions have shut down public transportation, causing something very like a closing of the entire city. The labor unions struck the taxis, and violence was inflicted on the independent operators who declined to join in the strike.

New York's severest retaliation against these strikes, some of them illegal, others merely convulsive, economically, socially, and culturally, was fifteen days in jail during the Christmas holidays for Albert Shanker, the leader of the teachers' union, during which he is said to have run out of tea and crumpets on the third day, resulting in a loss of weight of three and one-half ounces.

I remember three years ago arriving at a television station and meeting at the elevator Professor John Kenneth Galbraith, all six feet five of that eminent intelligence, who always gives the impression that he is on very temporary leave of absence from Olympus, where he holds classes on the maintenance of divine standards. We rode up the elevator and met Billy Rose, the impresario, rich, famous, a little cranky, and (if my memory serves) Dick Gregory, the amiable but extremely touchy Negro comedian. It was opening night for a new talk show hosted by David Susskind, and the gimmick was a Sony-sized television, set on a swivel, which would face whichever member of the panel the questioner, who spoke a half mile away from Grand Central Station, was addressing his question to.

Now gentlemen, Susskind explained, there has been a jurisdictional question between the unions here on the question which union has the responsibility for turning the knob at the control booth which swivels the television set towards the guest being questioned. So, when a question is asked, the person the question is directed to should get up from his chair and run quickly towards the chair opposite the television, exchanging places with whoever was sitting there.

To this day—I cannot believe it!—we all received our instructions so dutifully as if we had met at the rim of Mt. Sinai to receive there from our transfigured Maker eternal commandments concerning our future behavior. I dimly remember an evening spent jumping up from my chair and passing Galbraith running at sprintspeed from his chair to occupy mine, diving into the empty chair, panting, and attempting a suave answer to the lady or the gentleman from Grand Central Station who little knew what heroic physical exertions were involved in situating the guest in front of the little screen.

I do solemnly believe that if the Queen of England had asked Galbraith or Rose or Gregory or myself, to make such asses of ourselves in order to indulge her imperial pleasure, we'd every one of us have said: Madam, go jump in the royal lake. But not so the labor unions. You treat them as fatalistically as a fog, a drought, or a hurricane.

The other day a colleague of mine, a lady of bright disposition and middle years, went to her garage to fetch her car, only to find the garage doors closed and her car interred inside. A strike. She has asked the doorman of the apartment building to raise the garage door, but he has informed her that the striking garage attendants removed the spark plugs from the machine that hoists the doors, so that there is no feasible way to lift them. I spoke of "her garage" intending to be precise. She owns her apartment, and, accordingly, a part of the garage which is a part of the building. So that her car is being detained in her garage against her will, and if you think that big brave courageous law-abiding people-loving John Lindsay is going to utter one word of reproach to the labor unions, let alone dispatch a unit of policemen to wrench open that garage door and restore a citizen's rights, you are a romantic, and a patriot, and out, out of this crazy world.

THE CASE FOR EAVESDROPPING

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD an interesting editorial entitled "The Case for Eavesdropping," published in today's New York Daily News. The editorial commends and supports the position taken by the junior Senator from Pennsylvania [Mr. SCOTT].

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CASE FOR EAVESDROPPING

Sen. Hugh Scott (R-Pa.) urged the Senate yesterday to make it possible for law enforcement agencies to plug themselves in on the conversations of bigtime criminals.

He would make wiretap and electronic bugging legislation part of the crime package now before Congress, despite the loud objections of President Lyndon B. Johnson and Attorney General Ramsey Clark.

We never have understood the squeamishness of these two gents about butting in on the plotting and scheming of organized crime.

Under proper safeguards, wiretapping would be an important weapon in combating the shenanigans of men who have proved all but immune to other police procedures. By all means, let's have it.

THE PROPOSED 1969 FOREIGN AID PROGRAM

Mr. FULBRIGHT. Mr. President, last Thursday, February 8, the President sent his foreign aid message to the Congress, accompanied by a draft of proposed legislation. However, it was indicated that a separate legislative proposal authorizing $120 million to continue the military sales program would be submitted later.

In its actions on the foreign aid bill last year, the Committee on Foreign Relations tried to make it clear that, in its view, the economic and military aid programs are directly related and that the positive effects of economic aid on development were all too often negated by the impact of U.S. military aid. After giving the problem much study the committee voted to abolish the Department of Defense's authority to finance easy term credit sales to developing countries. The Senate supported the committee's position and this position prevailed in the conference, although the House conferees took the view that the matter would be reviewed by them again this year.

I am not disposed to open the military sales issue again, since it was settled last year as far as I am concerned. But I will, of course, carry out the traditional courtesy of introducing the administration request, at the proper time. I am withholding introduction of the foreign aid bill, however, until the military sales bill has been submitted and we have had an opportunity to review the two bills together. I make this statement for the record since the administration's basic foreign aid bill has already been introduced in the other body. As soon as a military sales bill is submitted to the Senate, and we know the full picture for the proposed economic and military aid program, the proposed legislation will be formally introduced, perhaps by combining the two bills to simplify the committee's work.

THE AMERICAN INDIAN IGNORED

Mr. FANNIN. Mr. President, the American Indian will search in vain for any substance to the rhetoric of President Johnson's recent message on education.

Although indirectly the Indian receives benefits through Operation Headstart and the Elementary and Secondary Education Act, subjects to which the President did allude, neither of these admirable programs can reach the dilemma of Indian education. The Federal school system devised for the American Indian child cries out for change. It forces the child from his home at ages as early as 6 to spend 9 months of the year in the lonely dreariness of a boarding school hundreds of miles from home. And the President says nothing about it in his message. A national crisis, ignored by the White House.

I am told by my friends in the legal profession that when arguing his case a good appellate lawyer goes for the jugular—a vivid way of describing an essential rule of action. The President instead of going for the jugular avoids even the opportunity to plead the American Indian's case. By his inaction, there is left little hope for Indian education, except in the Congress. The White House silence is our mandate.

HOW LONG, O, HOW LONG?

Mr. BYRD of West Virginia. Mr. President, Mr. Buck Martin, editor of the Martinsburg, W. Va., Journal, recently published a brief but thought-provoking

editorial on the godlessness of recent Federal court decisions.

Recently, the U.S. Court of Appeals in Chicago ruled against this innocuous verse:

We thank you for the flowers so sweet
We thank you for the food we eat
We thank you for the birds that sing
We thank you for everything

Mr. Martin's editorial pointed out that verses such as this have been recited in American schools since colonial times.

And yet now—

He said—

we have judges who suddenly find all of this to be interfering with somebody's constitutional rights. These are the same judges who hand down decision after decision protecting the criminal and endangering the public safety. How long are the American people going to take this sort of behavior from the federal courts—

Mr. Martin asked.

I ask unanimous consent that this fine editorial from the Martinsburg Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW LONG, O, HOW LONG?

"We thank you for the flowers so sweet
"We thank you for the food we eat
"We thank you for the birds that sing
"We thank you for everything."

Although a critical poet might not go along with the meter of the above little verse, we can't see why anyone would object to having his child repeat it. Certainly, it is a pure and clean and nice thought.

The United States Court of Appeals in Chicago—backed up by the United States Supreme Court—has ruled, however, that the saying of such a verse is definitely religious and hence cannot be recited in a public school.

This public school was a kindergarten class where the teacher had chosen the verse for opening of the daily routine.

In justifying the decision, Judge Luther M. Swygert said: "The secular purposes of the verse were merely adjunctive and supplemental to its basic and primary purpose, which was a religious act of praising and thanking a deity."

This is just another example of how far our present-day federal courts are going in trying to make us a godless nation. Verses such as this have been said in public schools since colonial times and yet now we have judges who suddenly find all of this to be interfering with somebody's rights. These are the same judges who hand down decision after decision protecting the criminal and endangering the public safety.

How long are the American people going to take this sort of behavior from the federal courts?

CAPITALIZING ON COMMUNISM

Mr. FULBRIGHT. Mr. President, Arnaud de Borchgrave, senior editor of Newsweek, has written a most informative article on the rapidly developing trade between Western and Eastern Europe. Entitled "Capitalizing on Communism," the article appeared in the December 25 issue of Newsweek.

Mr. de Borchgrave remarks that by selling Eastern Europeans sophisticated industrial equipment, and then providing them with the know-how to make this equipment work, "Western Europe has launched what, in many respects, amounts to a latter-day 'Marshall plan' for the East." He goes on to comment that as this process of economic development intensifies, Communist planners have been obligated to reexamine their economic structures and to modernize and liberalize their economic systems.

Mr. de Borchgrave observes that the United States has so far shown little initiative in carving out a place for itself in Eastern Europe, while Western European businessmen "have been quick to seek a foothold in what is the fastest-growing market for industrial goods in the world—the 350 million people who live under Communist rule from Berlin to Vladivostok."

I ask unanimous consent that the full text of the article mentioned above be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAPITALIZING ON COMMUNISM

(By Arnaud de Borchgrave)

"Russian government buys 60-percent interest in Belgian oil company," "Dutch concern building $40 million hothouse complex for Bulgaria," "France's Schneider on schedule with Rumanian powerplant," "Czech government negotiating for license to build Franco-British computers for eastern market."

An optimist's vision of Wall Street Journal headlines for the year 2000? Not at all. Instead, these are descriptions of business deals currently in progress—deals of a kind that have become almost daily occurrences between the capitalist and Communist halves of Europe. After years of eyeing each other suspiciously across the gulf of ideological difference, the men who run Europe's factories have begun to discover a common language in trade. And in a way few people on either side of the Berlin wall yet understand, the decisions made in executive suites from Manchester to Novosibirsk are beginning to have a profound impact on the political life of the Continent.

That all this should come as a surprise to anyone is eloquent testimony to the suddenness with which East-West trade has burgeoned. In the last two years, for example, Italy's exports to East Europe have increased a staggering 46 per cent, while total East-West trade is surging ahead at a rate of some 20 per cent a year. Three years ago, there were 333 flights a week between the two halves of Europe; today, there are 800—and 1.5 million people are expected to make the trip in 1968. West European businessmen who used to complain about shoddy accommodation in the East will shortly be able to spend the night at luxury hotels being built by a Pan American Airways subsidiary in Budapest, Bucharest and Prague. And in deference to their bourgeois visitors, more than 100 Communist hotels and restaurants now welcome a Diner's Club credit card.

Though goods are flowing in unprecedented quantities in both directions, it is, quite understandably, the more technologically advanced firms in the West that are writing most of the big orders. By selling the Communists the most sophisticated industrial equipment and then providing them with the knowhow to run it, Western Europe has launched what, in many respects, amounts to a latterday "Marshall plan" for the East. And inevitably, as this development process intensifies, Communist planners have been obliged to re-examine their economic structures. "The more they trade with us," remarked one Belgian businessman, "the more pressure they're under to modernize their economic system."

REFORMS

The effects of this pressure are by now clear. Already, Yugoslavia, Czechoslovakia, Bulgaria and Poland have instituted sweeping economic reforms, and Hungary and Rumania have made plans to follow suit. In most East European countries next year, plants that turn a profit will be allowed to keep up to 50 per cent of their foreign-exchange earnings to be used to make their products more competitive in both price and quality. And few Communist economists make any secret of the fact that the object of all this eventually to establish a market-oriented economy with a minimum of state controls. Says Dr. Otakar Pohl, the director-general of the Czech State Bank: "Both economically and politically, there is no other choice but to proceed with economic reforms to make our industry more efficient and to instill in it a spirit of enterprise."

By now, economic liberalization in the East has developed its own momentum and there is little the Communist Party's Nervous Nellies can do to slam on the brakes. As a result, ponderous state committees, padded with party hacks, are increasingly bypassed. There is a growing cleavage, too, between conventional Communist political wisdom and the dynamics of a modern technological society. "It is beyond dispute," declares Czech jurist Pavel Peska, "that economic reform needs an adequate political ssytem to replace the old one." And although some Communist leaders are understandably concerned that their experiments with international trade will create serious dislocations in their domestic economies, many Europeans, Communists and non-Communists alike, are beginning to look forward to the day when all of Europe will function as a single trading unit, permitting a new and more rational division of labor between East and West.

IMPULSE

So far, the U.S. has shown little initiative in carving out a place for itself in this "new order." This strikes many Euroepans as ironic since it was President Johnson who provided the prime impulse for the current boom in East-West trade when, last year, he endorsed the principle of "building bridges to the East." Says an official of Britain's Board of Trade: "Before that speech, Western Europeans were always looking over their shoulders to see if the U.S. was watching. Now, they charge ahead, ignore agreements to limit credits to five years and are totally unconcerned about U.S. reactions." Meantime, the U.S. Congress—bitterly divided by the struggle against Communism in Southeast Asia—has apparently shelved the President's new East-West trade relations bill for the duration of the Vietnamese war.

Making the most of the political advantage they enjoy because their nations are not involved in Vietnam, Western European businessmen have been quick to seek a foothold in what is the fastest-growing market for industrial goods in the world—the 350 million people who live under Communist rule from Berlin to Vladivostok. While the U.S. still maintains prohibitively high barriers against trade with the East, the members of the Common Market have abolished import restrictions on hundreds of Eastern European products. The result is that West Europe's two-way trade with the East is now nearing the magic figure of $10 billion a year.

The past eighteen months have seen a veritable cascade of "turnkey" operations for the delivery of complete plants, joint East-West ventures, partnerships and licensing agreements. Most commonly, Western firms supply the technological know-how and machinery, the Eastern partner provides site, plant and cheap labor, and risks and profits are split 50–50. All told, West European companies have completed or are now building some 150 plants throughout East Europe and Russia—and more contracts are on the way.

For the first time, Eastern plants which are anxious to increase their export capacity are beginning to discuss management contracts with Western firms. And in the most astonishing development to date, Olivetti, which is already the Soviet Government's adviser on mechanization and automation of office procedures, is about to land a $100 million to $150 million contract for the modernization of the Soviet bureaucracy—a deal that will automatically make the Italian firm privy to Russia's corridors of power.

The trickle-down effect of all this on the Western European economy is immense. For example, the golden fallout from the $890 million deal under which Italy's Fiat is building the Soviet Union a 730,000-car-a-year auto plant is settling all over Italy. Italian firms are getting $322 million worth of orders to supply 4,000 of the 12,500 machine tools for the Fiat-built plant at Togliattigrad. Pirelli is building six factories in the Soviet Union that will manufacture everything from rubber components for the Fiat-designed TAZ car to latex swimsuits. Olivetti will computerize the plant and Innocenti will make $50 million worth of U.S.-designed presses.

SWAP

The picture in other countries in Western Europe is the same. Britain's ICI, the largest chemical company in West Europe, has negotiated what, in effect, is an exchange of advanced technological know-how for Soviet pure research—a deal made possible because Russia is now willing to pay for patents and is anxious to sell its own overseas. Czechoslovakia has paid $9 million for a license to build Renault cars and plans to use the French firm's worldwide facilities to service export models. And recently, Air France became the first Western carrier to lease Soviet IL–62 jetliners.

How long East-West trade can continue to grow at the present rate no one really knows. The Eastern nations have long shopping lists; Rumania alone is currently placing orders for almost $300 million in plant and equipment, including steel strip mills, newsprint plants, nitrogen fertilizer factories and a nuclear power plant. But at the same time the East is increasingly falling short on means of payment. At first, barter arrangements were accepted to get trade rolling. But now such deals are the exception rather than the rule. Instead, Western credit terms are growing ever more generous. France which once limited itself to seven-year credits at 6 per cent now gives eight-and-half years at 5.5 per cent. And since repayment only starts when the goods are actually delivered, the true credit period, in effect, is frequently ten years.

CREDIT

Some experts, moreover, believe that if East-West trade is to continue to grow, credit will have to be stretched to the point where it will be tantamount to a West European aid program. This is the view of Vladimir Velebit, a Yugoslav who formerly headed the U.N.'s Economic Commission for Europe, an organization devoted to the promotion of East-West trade. Says Velebit: "The East must increase its export earnings and this can only be done with more flexible Western credit policies. After all, the East European nations have proved themselves conscientious debtors. Not one has ever defaulted on a payment. They have always paid on time and with such a good record they obviously deserve to be treated more generously."

Neither the IMF nor the World Bank has ever done a survey of the Eastern countries' economic potential and credit-worthiness. But Velebit believes Hungary, Czechoslovakia and Poland would readily agree to such a study. "Most of their reforms are designed to develop a dynamic export drive," he says. "But first they must go in for marketing research in a big way. Then they must concentrate on better quality, better design, better after-sales service. The Russians, for example, have done well with cameras and their watches are up to Swiss standards. They are very advanced in mining machinery and drilling equipment. But on many items they are still a generation behind in design and reliability."

Velebit also believes that the enterprises of the future, East and West, will develop along the same lines; whether state-operated, state-owned or privately owned, they will all be run by products of the managerial revolution. "Renault in France belongs to the state just as Skoda does in Czechoslovakia," Velebit notes, "and both are run by rightly educated technocrats on salary."

DANGER

Velebit also foresees another similarity between the Eastern state trusts and the leading Western corporations: all will be gigantic. In Bulgaria, 40 state trusts employ some 600,000 people and supply 35 per cent of the country's production. Rodopa, the huge Bulgarian agricultural trust, is a state within a state, running its own transport network and stores and dealing directly with its foreign customers. "Eastern Europe's cartels," says Velebit, "are the equivalent of your mergers. You're all getting bigger and they are, too." (Curiously, Eastern economists now seem almost as concerned as their Western counterparts about the danger of throttling competition. "Trusts which are economically independent," one Rumanian economist has written, "can only be allowed in a socialist economy to the extent that they do not become monopolies and do not appreciably curtail competitive forces.")

By American standards, of course, the Communist world is no trading El Dorado. But the odds seem great that it will be one day and that, when that day comes, the Western Europeans will have already occupied the ground floor.

SALES SURGE TO THE EAST—WESTERN EUROPE'S BURGEONING TRADE WITH THE COMMUNIST BLOC

[Western exports to Eastern Europe (Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, Rumania, and U.S.S.R.). In millions of U.S. dollars]

	1961	1962	1963	1964	1965	1966
Austria	176	187	197	215	246	260
Belgium-Luxembourg	93	94	83	85	110	120
France	240	270	230	359	302	387
Greece	52	50	57	64	75	93
Italy	216	235	265	274	330	357
Netherlands	77	77	72	75	104	116
Spain	15	16	26	18	24	57
Sweden	114	153	133	169	155	164
Switzerland	66	58	64	65	84	112
United Kingdom	295	310	345	280	315	410
United States	135	125	165	340	140	198
West Germany	473	505	438	552	588	696

WALL STREET JOURNAL BACKS DISTRICT PLAN FOR ELECTORAL COLLEGE REFORM

Mr. MUNDT. Mr. President, there has been considerable speculation in editorials and political columns recently on the role the electoral college may play in electing the next President of the United States.

The Wall Street Journal of February 13, 1968, placed the problem in its proper perspective and in addition endorsed the district plan for electoral college reform. The district plan as embodied in Senate Joint Resolution 12 would elect electors from existing congressional districts, or from separately drawn districts that are compact and contiguous in nature as well as being equal in population. In addition two electors, corresponding to the two electoral votes allocated to each State for its two Senators, would be elected statewide.

As the Wall Street Journal points out, this system provides most of the benefits of the direct ballot but does not have the drawbacks of a direct election plan. Specifically, the editorial mentioned that a direct popular election could weaken our traditional two-party system by scattering votes among several candidates. Impliedly, it indicated that a direct election plan could never be adopted because it seems to many Americans to constitute too radical a change. I believe this is true. Serious doubt exists as to whether the necessary numbers of States, particularly small States, would ever ratify a constitutional amendment calling for a direct popular election.

Mr. President, there are many more reasons why a direct election plan is not the best alternative for the present unit vote system, including the threat of Federal control of elections and the reneging on a promise made to the smaller States when the Constitution was adopted. The fact remains, however, that a reform of the electoral college is overdue. It should have been taken up in the past so that the specter of a third party candidate throwing the upcoming election into the House of Representatives would not be hanging over us at this time.

It is too late to cry over spilt milk but action should be taken now, while the reform movement is riding high, to prevent these problems in the future. Adoption of the district plan of electoral college reform would prevent these problems and I hope that the Congress will soon have an opportunity to vote on Senate Joint Resolution 12.

Mr. President, I ask unanimous consent that the Wall Street Journal editorial be included in the RECORD at this time.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 13, 1968]

REVIEW AND OUTLOOK: A REMINDER FROM MR. WALLACE

For more than a century there has been talk of reforming the U.S. system of electing a President, and now George Wallace's announcement of his third-party candidacy should help spur the nation to action.

Not even the former Alabama governor really believes he has any chance of achieving the nation's highest office. It is quite possible, however, that he could influence the election result. More remotely, he might even be able to influence the policies of the successful candidate.

We are by no means suggesting that Mr. Wallace's American Independent Party or any other splinter group should be denied the opportunity to seek a place on the ballot. Though the nation's political stability owes a lot to the two-party system, voters unhappy with both major parties should have the right to look elsewhere.

At the moment there are indeed many Americans who are both disenchanted with the Democrats and as yet unpersuaded by any of the possible Republican candidates. For a variety of reasons some of these voters will cast ballots for Mr. Wallace.

The reason mentioned almost exclusively by the Alabaman's critics is, of course, race. Mr. Wallace's fervent oratory—"segregation now . . . segregation tomorrow . . . segregation forever"—undoubtedly has won over a number of die-hard racists. Yet the ex-

governor himself does not actually think any such aim is capable of achievement; he stood "in the schoolhouse door," all right, but he stepped aside to permit the inevitable.

Greater numbers of Americans, we suspect, question the politicians' theory that social ills developed over centuries can be cured overnight by hastily devised legislation. Other voters agree with Mr. Wallace's contention that the Federal Government generally plays too large a role in the nation's life. Still others are merely confused and unhappy in general about the nation's current malaise.

Many of these citizens wouldn't dream of voting for the former governor if they thought he could be elected. They hope instead that their ballots will serve as a quiet protest, a demand that Washington more thoughtfully appraise its abilities, its resources and its true responsibilities.

In the process Mr. Wallace will pull votes from both major parties, a fact they both deplore. But we do not believe that the Democrats and Republicans have any inherent right to the votes of Americans who simply don't like what the two parties stand for.

A more valid concern for the nation, in our opinion, is that the Alabaman might carry enough Southern states to deny either major-party candidate a majority in the Electoral College. The election then would be thrown into the House, where each state, large or small, would have a single vote. In such a circumstance a man with a sizable popular plurality could lose.

If the election turns out that way, moreover, Mr. Wallace has made it quite plain that he would try to bargain with one or both of the major candidates, trading his support for concessions to his ideas. We can hope that neither big party would make such a deal, but it's too bad that there's even a chance for it to be proposed.

It is obviously too late to do anything about the Electoral College before November's election, but the Wallace candidacy, whatever happens, should put some push behind at least one of the reform proposals now in Congress.

A Constitutional amendment naturally should be drawn with care. Direct popular election of the President, though the most democratic way, still seems to many Americans too radical a change. Direct election, for one thing, could weaken the two-party system by scattering votes among several candidates.

In any case, most of the benefits of a direct ballot could be obtained in another way: By choosing the bulk of the electors by Congressional districts instead of picking them all statewide, as at present. The electoral vote then would be much more likely to reflect the popular result.

Reasonable reform of the Electoral College is long overdue. By reminding everyone of that fact, Mr. Wallace has done the country a favor.

ROY REUTHER

Mr. HART. Mr. President, when Roy Reuther died last month, people who only knew of him mourned the passing of a great labor leader.

But those who knew Roy Reuther best mourned the passing of one whose desire to improve the life of anyone he met is unexcelled. "A great humanitarian" is an overworked and not always understood phrase—but of Roy Reuther it is applied in literal truth.

Roy was able to accomplish as much as he did because self-interests were always subjugated to the problems and needs at hand—leaving his tremendous energies for the tasks that he believed in.

His full concept of life was so eloquently stated by two of his closest friends at memorial services that I hereby ask unanimous consent to have reprinted at this point in my remarks the eulogies of the Honorable George Edwards and the Honorable Wade McCree, Jr., both judges of the U.S. Court of Appeals for the Sixth Circuit.

There being no objection, the eulogies were ordered to be printed in the RECORD, as follows:

EULOGY OF ROY REUTHER, SATURDAY, JANUARY 13, 1968

(By Judge George Edwards)

Most of us here present today remember a great deal about Roy Reuther. He was born in 1909 in Wheeling, West Virginia. He was one of five children of Mr. and Mrs. Valentine Reuther. His family was a pioneer labor and social democratic family. It's only accurate to say that Roy's life was inspired by the heritage of his home. From both his father Valentine Reuther and his mother Anna who is with us here today, he was taught from childhood that working people have a right to more of the good things of life—more security, more dignity, a better standard of living, better working conditions, an opportunity to give their children as good an education as possible, that democracy in American society needed to be broadened and deepened and that all human beings of whatever race, creed or color were equal before God and before their fellow man. This was the sort of home which produced five great children. Roy and his brothers Ted, Walter and Victor and his sister Chris have always been very close. They've been together continually through their lives both in periods of joy and in periods of crisis. And this closeness of family as a tradition has been mirrored in Roy's own intimate home. It's been mirrored in the love which bound him to Fania and to their two sons David and Allen.

I don't think Roy would want his family or us to meet here today just to mourn. Memories of one who has left so much that was so good with so many do not need always be painful.

I remember Roy as a radiant man. When he wasn't radiating humor he was radiating enthusiasm. There was always a smile and usually a laugh in any conversation with Roy Reuther.

Actually, if Roy knew we were gathered here together today in such numbers he would probably want to know whether we had distributed nominating petitions or had talked about raising funds for the coming voter registration drive.

Mr. Justice Holmes once said, "as life is action and passion, it is required of a man that he should share the passion and action of his time at the peril of being judged not to have lived." Judged on this basis, Roy Reuther lived the equivalent of several lives. Wade has already spoken eloquently of his great contributions in political and community affairs. And I shan't repeat this theme. Roy inherited not only the social vision of his family, he saw and he lived both as a young man and afterwards with the great social problems of his time. He, like many of us, was a child of the depression. He knew the unemployment line, the soup kitchens. He saw the poverty and the insecurity in the lives of millions, millions which then encompassed the automobile workers. He was one of the leading organizers of the great movement we now know as the United Automobile Workers-AFL-CIO. He is indeed one of a limited number of men about whom it might truthfully be said, that without him the American labor movement as we know it today might never have come to exist.

His periods of service to the labor movement were most important in the days when the very survival of the union itself was at stake. In Flint, in 1937, in the General Motors strike, he was the organizer, the orator and the planner of victory. In subsequent history he has been given credit for initiating the strategy which carried the union through to victory in that strike. And his contribution begun then, has never lessened in the years which have followed. In the days of the second great test of the existence of the UAW as a movement in 1939 in the tool and die strike, he played a key role as the assistant director in charge of union affairs in Pontiac. And in the very crucial periods in the history of the UAW when first there was the threat of dictatorial influence and company influence in an effort to take over leadership of the union, Roy played a major role on the side of the forces that won through to democratic control of the UAW. Still later in the 40's when there was a real possibility of dictatorial influences and devisive influences from the communists becoming a reality in the leadership of the UAW, Roy Reuther's contribution on the side of democratic unionism was a very magnificant one and one which, with others, became decisive. But while these are the great events of his career as a member of the labor movement, they by no means represent all.

In the grand sense of the term, Roy Reuther was a simple man and he understood common people and he had a feeling for the rank and file of humanity which they reciprocated. He always gained strength from being near to them and close to them whether at a union meeting or a political action meeting or on a picket line. It was typical of him that he was at Selma in the great struggle for civil rights for that portion of our nation which had been most deprived of those in the history of this land. It was typical of him that he was in Jackson, Miss. on that tense and difficult day when Medgar Evers was committed to the grave. And it was typical of him too, that when the farmworkers in the Rio Grande Valley needed assistance, Roy Reuther was marching with them in a little town called Rio Grande City, helping the citrus workers of that state. He had a great sensitivity to other peoples' problems. Not the only, but only the most recent instant of this was his decision to leave everything involving his national concerns and national responsibilities to go to be with one of his staff members. Pancho Medrano, when Pancho was faced with overwhelming family tragedy. Roy flew 2,000 miles to stand with Pancho beside his mother's grave.

And then there's Roy's role as a member of the justly famed Reuther brothers team. The three brothers, Walter, Victor and Roy were as close as brothers could ever be. From the days of the General Motors strike when there was a Reuther in Flint, another in Detroit and another in Anderson, Indiana, to more recent years when there was a Reuther in world affairs, a Reuther running the union and another Reuther in national political affairs, their opponents in and outside of the union must have felt that there was at least one Reuther brother everywhere.

Finally, in the labor movement, Roy typified the insistence of many that the labor movement should always remain a movement and never become just a business. He was a person of commitment and a person of dedication. And, he demanded and expected commitment and dedication from others. When a situation arose that offered conflicting moral problems in the UAW, Walter was often likely to say, "Let's give this to Roy, let's let him worry about it for us." And more recently he was heard to observe, "We've got to take care of this guy. He's our conscience." Roy's commitment came from deep belief in the common fate of mankind and the possibility of that fate being better in the future than it has been in the past.

He believed in the brotherhod of man, he gave his life working for the brotherhood of

man. And there's a relationship no doubt, between that depth of belief and commitment and a side of Roy which not too many people got to know about or to see, because he had a respect for the mystery and the beauty of the universe as mirrored in nature. He built his home when he got a chance to do so, so that he was in contact with the beauties of nature. And in recent years, this great influence in his life led him into expressing himself and his thoughts in sculpture and painting. Generally his subjects were drawn from the nature which so much intrigued him. He sought to express in statuary and on canvas the mystery and the beauty of the universe which inspired him.

The selections which were played here today from Brahms and Bach were selections which were among Roy's favorites. He loved to sing, he never missed a symphony concert when the chance was presented to attend one.

And so you see in this view of Roy a deeply committed person in tune and aware of eternal verities and it was this that led him to conclude many a speech with these words which are perhaps most typical of him, "Let us then look to the stars. Let us dream our hopes and aspirations for that better tomorrow."

Roy Reuther really had two great loves, his work and his family. His beloved wife, Fania, came by her social conscience entirely independently of Roy. But because it was a matter of depth and conviction with her, she was able to give him the great support and the great strength in his work which he needed. It was a close and lovely marriage, and it produced two wonderful sons of whom Roy was exceedingly proud in David and Allen. As we who stand here are privileged to have Roy live in us because of his inspiration and example from the past; so in a very much more meaningful fashion, Roy lives in David and in Allen, the sons whom he loved so, and in whom he took such pride.

Seeking to mirror this man to our memory, I turn to the words of Robert Browning in closing:

"Being who?
One who never turned his back but marched breast forward,
Never doubted clouds would break,
Never dreamed though right were worsted, wrong would triumph,
Held we fall to rise,
Are baffled to fight better,
Sleep to wake."

ROY REUTHER

(By Judge Wade H. McCree)

Roy Reuther's death is the occasion for this assembly of his friends and Roy would never permit a gathering of this size to take place without employing the event to accomplish a good purpose. In his characteristic selfless way, Roy would achieve whatever worthwhile goal he selected with hardly anyone being aware that he was the *deus ex machina*, pulling and hauling the recalcitrants, stimulating and maintaining the activists, and in the end, pulling together the entire enterprise to make secure whatever gains were realized.

Roy wouldn't want to permit this assemblage to adjourn without doing something to improve the quality of the lives of everyone. Although I am certain that he would veto my present intention because it would offend his principle of working anonymously and unsung, nevertheless, the greatest purpose this occasion can afford is to permit us to reflect on Roy's legacy to all of us and upon the obligation of each of us to him.

Every life has its own peculiar design, some portions of it often so intricate as never to be disclosed even to ones self. Roy's life was one of forthrightness, openness and courage; an enterprising spirit and a great ease of human contact. With Roy, identification with every other human being was as natural to him as was the fact of his own existence. The discovery of anyone who felt alienated was accepted as a challenge to devise some way to effect a reconciliation.

His winning approach of concentrating on the goal and of subordinating his own personality has special relevance today in our two most pressing national issues—the Asian war and the urban crisis. Roy never lost a fight by being diverted over concern for saving face or by preoccupation with his own leadership position vis a vis others who were working in the same area.

Another of his qualities which we all recall was his great good humor. How many were the times when a grim frozen impasse was thawed under the warmth of his broad spreading grin which gently ridiculed all that was absurd and false in an intransigent posture and because of its manifest good nature precluded any personal resentment to its employment?

Tough-minded honesty, all embracing humanity, indefatigable energy, self-effacing participation, great good humor, these were some of the qualities he contributed to his many community activities which others today will relate in detail.

Tragically, Roy's great heart which beat so resolutely wasn't equal to the limitless demands he made of it in his uncompromising struggle against injustice.

If I were saying this of someone else, Roy would be tugging at my coat at this point to remind me that enough had been said and that there was work to be done. I will be responsive to this gentle scolding and conclude by suggesting that if we would be true to Roy and worthy beneficiaries of his legacy, let each of us dedicate himself to carry on Roy's unfinished task.

As Benjamin Britten wrote,

We would be undaunted by the thought of our mortality. Life is ours, rich in hope and rich in memory. Its glory is not that it endures forever, but that it for a time incarnates so much that is beautiful. We do not demand from the flower that it shall never wither, the sunset that it shall never fade, the song that it shall never cease. Nor would we rail at life because at length its beauty shall be ashes, its music silence, and all its laughter and all its tears forgotten. Life, the reality, is ours. We would not linger, like a timid mariner, in port, but live dangerously, devoting ourselves with abandon to what seems to us the good, the beautiful, the true.

THE CHANGING FACE OF AGRICULTURE

Mr. KENNEDY of New York. Mr. President, I think some recent remarks of the distinguished Senator from Oregon concerning the problems of rural areas, deserve the close attention of us all. They are a characteristically bold and thoughtful statement on the plight of the farmer and the relationship between his problems and those of the cities. I ask unanimous consent that they be printed in the RECORD, along with some questions and answers of the distinguished Senator from Oregon that followed the delivery of his address.

There being no objection, the address and questions and answers were ordered to be printed in the RECORD, as follows:

THE CHANGING FACE OF AGRICULTURE

(Address to the National Canners Association, by Hon. WAYNE MORSE, U.S. Senator from Oregon)

Mr. president, distinguished guests, members of the Association, and friends:

It gives me great pleasure to have the opportunity of meeting with you today to share with you some of my concerns about your problems. These are problems which the farmers who produce the goods you package and distribute and the ultimate consumer, and you, must all meet and resolve equitably.

Yours is a great industry. I am told the wages you pay annually exceed $9 billion and this goes to more than 1.5 million men and women. Your output, again I understand, annually exceeds $75 billion in value.

These are sums of magnitude and importance which measure the service you render as the middlemen between production and consumption. It is just because of your strategic position in our national economy—it is just because the actions you collectively take can have consequences in every other segment of our society—that in meeting with you I propose in my discussion to play, if you will, the part of an advocate of your partners in this enterprise of America and to lay before you some propositions for your consideration which reflect the needs and the wants of the producer and of the consumer

It is for this reason that my remarks are entitled, "The Changing Face of Agriculture," since using this as the theme I can perhaps draw to your attention the importance of widening areas of agreement and diminishing to the greatest extent possible areas of disagreement among you and your partners in progress, the farmer and the consumer.

Perhaps, as an ex-teacher I ought to begin in the traditional way by defining my terms. What do I mean by the consumer interest? Here I am indebted to an editorial essay which was published last December in an issue of the *Rural Electric Newsletter*, a publication of the National Rural Electric Cooperative Association. The consumer interest really is:

"It is the universal economic and social interest of all people. . . . The consumer interest is the mother or father shopping for the family's food and hoping to get good quality and full measure and sanitary, clean products at prices that are fair to both consumer and the producer. . . ."

Your industry is to be commended for the work that it has done in making it possible in almost every settlement across the country and in almost every home within this land for that expectation to be met.

It is a safe generalization, I believe, to state without very many qualifications that never in the years of recorded history have so many people been able to obtain the variety of foods, packaged under sanitary conditions and delivered in wholesale state to so many people of all income levels, at a cost which, by and large, is reasonable.

The economies that you have achieved in your manufacture and in your distribution of commodities have resulted in savings which you have shared with both producer and consumer to some degree. Certainly, in the area of standardization of can sizes alone you have earned the gratitude of every housewife and of most bachelors.

But there are social costs involved in this, too. These costs have by and large been borne by your other partner, the farmer. The pressures on the producer of food have been accelerating and are unremitting. We must not forget that agriculture is the base for our present economic abundance. It is our number-one weapon in the struggle against hunger here and abroad. It is the key to small town prosperity or economic decline. The price the farmer receives at the farm gate is crucial. As it declines the cash registers on the main street of our small towns and in our urban centers stop ringing. What is the situation today from the farmer's standpoint? He now receives six percent less for the food he produces than the price he received two decades ago. This at a time when he is paying 30 percent more for the supplies he needs to produce it.

He feels that the dice of the economic game are loaded against him. Central to his concern is the marketing problem. He feels that the government pays greater attention to problems in other areas than it does to the economic problem he faces. Many of us feel that the Secretary of Agriculture has gone about as far as he can under existing programs to shore up farm prices.

When wheat and corn prices started to drop the Secretary announced plans to withhold Commodity Credit Corporation stock from the market. CCC holdings, he said, will not be available to buyers until the 1967 crop, under regular loan or reseal, exceeds the six million tons of overage expected this year. Even then, it will not be available except at the market price or 115 percent of the loan plus carrying charges, whichever is higher.

The Secretary then authorized 1967 farm stored grain from being held under loan or reseal to be moved to commercial storage and to be converted to reseal under commercial reseal provisions. This allowed continued holding of the 1967 crop and makes farm storage available for 1968 production.

In addition, the Department shifted some 6,700 storage units to storage short areas to help farmers hold their crop for an improved price situation.

If the so-called Purcell bill had passed I believe this administration could have kept the market price of wheat and feed grains at least ten cents per bushel higher. That would have meant an additional $300 million to $500 million in added income for wheat and feed grain farmers. The Purcell bill, as I am sure most of you know, would have given the Secretary of Agriculture power to adjust annual supplies more closely to market needs.

In former years, the government would have been able to buy grain, firming up prices. In short years, supplies could have been sold under carefully prescribed conditions. Unfortunately, this bill was voted down in the House after we had passed it in the Senate. The statements of those who killed it made it clear that partisan politics carried the day. It is significant that upon its defeat both wheat and corn markets reacted sharply downward.

Thus, as I say, we have gone about as far as we can under existing programs to strengthen farm prices. The more I cope with this so-called farm problem, however, the more convinced I become that it is in reality a bargaining problem. Just as you in your industry have placed premiums on efficiency of operation, so, too, has the farmer. The American farmer can match production records against industry and win hands down in most cases, but when it comes to marketing he feels that just the reverse is true.

The American farmer too often in his own eyes is reduced to a beggar status, to a hat-in-hand, what will you give me approach.

This is a very hard problem to resolve. There are a great many obstacles. Thousands of farmers will grow the same product, but they have only a handful of outlets they can sell to.

For example, there are some 1,750,000 farmers whose grains are used in the manufacture of breakfast cereals, but four manufacturing firms process 85 percent of these grains for the nation's market. Twenty processing firms presently can the vegetables it takes more than 2,600 farmers to produce. And this is just one aspect of the problem.

Commodity production often is scattered over a large geographic area making it difficult for the producers to get together. It is difficult for farm organizations to control distribution of an agricultural product because large quantities of a product can be quickly and economically shipped over great distances. Some feel that these problems are insurmountable, but I am not one of those.

Recently, a committee of the National Planning Association said it felt collective bargaining held very limited promise for improving farm profits. The committee, composed of economists and farmers, did see some possibilities for gain but these they felt would be largely confined to specialty crops grown in compact geographic areas.

Several farm organizations spokesmen took exception to parts of the report, charging it was too pessimistic; that in evaluating the collective bargaining approach, the committee assumed that no supply management provisions would be incorporated into the enabling legislation.

Would this approach work? What kind of approach can we and you come up with that will give farmers a bargaining lever to match that that you have? In your own case as you view it from the other fellow's perspective what do you think would work? What approach, what combination of approaches could you suggest to him?

There are a number of legislative ideas which will be discussed. You may wish to look at them, evaluate them, and consider them carefully, because they will, if enacted affect your interests.

There are proposed bills to create a national farmer bargaining board that would do for farmers what the National Labor Relations Board does for organized labor. The board, at the request of the producer group, would determine the boundaries, size, and composition of the product bargaining units based on existing market patterns. Then, if more than one group wanted to represent the growers, the board would supervise an election. The winner would be certified as the bargaining agent and the board would take steps to insure that the processors bargained with that organization in good faith.

Another approach upon which your advice would be most helpful is broader use of marketing agreements to cover new commodities, to establish minimum prices and other terms under which you could acquire products from producers and providing where necessary, for producer allotments and marketing quotas.

Again, how do you feel about a legislative proposal which would ban coercion against farmers who joined bargaining associations? Does the solution lie in making farmers cooperatives more effective, thus providing the individual farmer with more muscle at the bargaining table? As you know, some gains made by farmers, particularly smaller farmers, through cooperative associations founded with Federal funds have been phenomenal.

These are just a few of the approaches that are being explored in Congress and wherever farmers or their representatives meet.

Now, vital as these agricultural considerations may be, they are, however, only a part of the larger over-all concern. We are running low on solution time for major problems along a broad economic and social front. One of the greatest problems now arising to confront the American public is the challenge of space, not outer space, but terrestrial space, practical, down-to-earth, everyday, living space.

Today, 70 percent of our population lives on less than two percent of our land. The other 30 percent are left to rattle around in a vast reservoir of under-utilized space. By the year 2000, this people-space equation will become even more unbalanced. Another hundred million Americans will have crowded their way into already overcongested cities where 140 million live today.

I have come to you today from the Nation's Capital, a city that already sprawls up to 30 miles in some directions from the downtown core. The sight of this suburban sprawl of subdivisions and shopping centers stretching as far as the eye can see and further depresses me each time I fly back to the city, and this is only the beginning of the spread, a mere indication of what is to come.

Population experts tell us that by the year 2000 the city of Washington will become a seamless sprawl of humanity that will stretch from north of Boston to south of what is now the Richmond, Va., area.

I hate to think of what life will be like if we permit this to happen. Social unrest, crimes, riots can be expected to increase as the sheer weight of humanity crushes man's standards of social behavior and overcomes the ability of institutions to administer to human needs and wants.

Outside the metropolitan complex with continuing relative depopulation small communities will find it next to impossible to support quality education, to build community facilities, to provide the jobs needed to hold their young people.

I just don't think the nation can continue to careen down this one-way road to the year 2000. The fabric of our society will tear and rend into tatters in the next 32 long hot summers unless we turn around, chart a new course and begin to change it. That's what the people-space equation is all about.

President Johnson recently spoke for the moral imperative of the national policy of population and opportunity balance when he said at Dallastown, Pa.:

"Millions of Americans feel deprived of a fundamental human right: The right to live where they choose.

"History records a long, hard struggle to establish man's right to go where he pleases and to live where he chooses. It took many centuries to break the chains that bound him to a particular plot of land, or confined him within the walls of a particular community.

"We lose that freedom when our children are obliged to live someplace else if they want a job or if they want a decent education.

"We need thriving, healthy, rural areas and thriving cities. But does it really make sense, on this great continent which God has blessed to have more than 70 percent of our people crammed into one percent of our land?"

The changing face of agriculture mirrors the changing face of America. So far I have spoken within the framework of the producer, of the distributor and the consumer. But I would call to your attention another ally who too often is overlooked, and that is the man or woman who works for you.

No element of agriculture's transition into the practices of industrial business is more meaningful than its increasing use of hourly wage earners. As the raising and processing of crops moves further from the family home unit and into the employment of labor at hourly or even weekly wage rates, the more it takes on the earmarks and attributes of industry.

So, to a greater degree than you have ever considered before I put it to you that you must expect to operate within the framework that industrial democracy has established for labor relations.

In 1966, the exclusion of farm workers from minimum wage coverage was removed. The overtime exemptions for workers in the processing industry were reduced. Producers in all phases of agriculture must expect this trend to continue. The next consideration of minimum wage amendments would reduce even further and perhaps eliminate exemptions from overtime for food processing.

It must be borne in mind that when the first wage and hour law was recommended to Congress in the mid-1930s by President Roosevelt there were no exemptions in it for farm employees or food processing employees. The exemptions were added by Congress. In the view of many they remained in the law longer than was justified.

For just as I cannot accept the idea that a family farmer should net no more than $2,000 or $3,000 a year from his farm entity as the return on his investment of capital and his own labor power, neither can I ac-

cept the idea that working men who hire out for farm production should be paid only poverty level wages, live in the worst housing in the nation, and raise uneducated and illiterate children. Why, my own state of Oregon could utilize without waste all of the funds for the entire nation that were provided in last year's budget for the replacement of obsolescent farm housing.

There is no justification whatever for cheap food prices for American consumers that are kept low at the expense either of the man who owned and worked the farm or the man who did the work for hire. For far too long American agriculture has been the prisoner of the desire for cheap food. It has provided it at least in part, through rural poverty in every section of the country. Rural poverty in turn, has contributed to the blighting of the cities.

As one walks through the slums of any large urban center it is a shattering thought that those who have come to live in these areas are actually finding a better life than the life they left on the farm.

So I plead with you as in your deliberations you look to the immediate problems which confront you, that you also as citizens of America look to the broader questions which are of concern to you as citizens. I ask you not to accept the easy and ineffective solutions but to go deeper. A sticking plaster is no substitute for surgery. The ailment should be treated, not the symptom. If you do this, then you will be acting in your own long-range economic best interests.

So, too, it is to your own long-range economic interests to cooperate with the Congress in its consideration of legislation proposed by the President in his State of the Union message. Here I speak of such measures as those which would insure the quality and freshness of fish sold over the nation's market counters to consumers. Such legislation, if enacted, would in all probability increase your cost, but your ingenuity and your increasing productivity as an industry will enable you, it is my hope, to absorb many of these costs. And by giving increased quality at the same or lower costs to the consumer, you will be providing a service to your necessary ally, the consumer.

So, too, on the other hand, by taking the long view and by increasing the price you pay to the primary producer and by absorbing in large part this increased cost to your own operations without burdening the consumer, you can achieve an equitable solution.

This morning I have been deliberately and unduly provocative. I have perhaps in the view of a great many of you, overstated strongly the case. I must plead guilty in part. But I wanted you in your meetings here to think seriously about the problems we all face and to express to you what I have learned in my years in the Senate, that the test of the sound program is the way in which it affects human beings, in the long run and promotes the general welfare.

Yours is a young industry—it is a virile and strong industry—it is an industry which makes maximum use of our scientifically trained young people. The gains you have made and they are tremendous, are the result of careful planning and plain hard work at the desk, in the laboratory, and in the library, yes, and in the law schools which trained your very effective attorneys who so ably present your case to the public authorities. You owe much to them and to the men and women of great talent in advertising and packaging who have helped to form the tastes and desires of the consumer.

In the decade to come you will need to use more and more of these well trained, highly skilled individuals. Your operations are already computerized in many instances. This trend will grow. These machines and their successors will demand even more skillfully trained brain workers. So as citizens-statesmen I suggest to you that in areas of public interest such as the support of education at the local, state and national levels, you have a long-range vested interest. It is the same interest that every other segment of our economic society has—that we make an investment of capital now to the end that we shall have available when we most need it the product of an education—complete, adequate, and excellent enough—to meet the challenges of the year 2000.

A baby born today will be 32 in the year 2000. He may very well sit in a convention such as this to listen to a speaker who speaks of the problems of that day and how you as a major industry have the responsibility in your own self-interest to seek to find equitable solutions to the problems which are common to you and your allies, the producer, the consumer, and your own employees. And so I close by reminding you of the words of the great and wise cleric, who was also one of the most thoughtful of the great English poets, John Donne. You will recall them. He said:

"No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee."

(NOTE.—Senator MORSE had a few minutes to answer questions following his presentation, before returning to Washington. This portion is carried below:)

Question. Senator, do you feel that marketing agreements are essential—an essential part of collective bargaining on the part of agriculture?

Senator MORSE. I'm certainly not in a position to give you any final judgment as to what I am going to do in regard to the proposal for marketing agreements. I would say that what I have heard thus far establishes a prima facie case for them, and we are going to have to take the evidence to see whether or not it stands up. But this is really a matter of saying the responsibility of those that would be involved in the marketing agreement would bring to us their case. Don't forget, all I am is, after all, a legislative judge on these issues. That's the role I should play and not a legislative advocate when I have to sit in a committee and decide whether I am going to vote for or against legislation or modify it.

So all I can tell you is that my mind is open, even though I tell you that I think thus far the proponents of marketing agreements seem to be establishing a prima facie case.

Question. Senator, this is not so much a question. I want to say that I admire you for the stand, that you want to determine the facts in the best public interest.

I do want to raise a question: When you say industrial democracy, if you feel that when you have to sit across the bargaining table and deal with the unions who've gotten industry-wide monopoly power, you'll realize it's not a fact that we have industrial democracy in this country. It's industrial imperialism on the part of industry-wide bargaining unions.

Senator MORSE. I know exactly what you mean. I arbitrated my first case 32 years ago. I still question the statistic but the spokesman for the Department of Labor told the President of the United States when we were considering the recent railroad case, that I had been involved in the settlement of more major labor disputes in the last 23 years than anyone else in the country. I don't think that's true. If he said one of 10 I would have accepted that.

I know these problems in trying to work out decent, fair, equitable collective bargaining agreements. I know the abuse on both sides. I know the man in the middle certainly must live up to what I have announced as any major premise this morning, try to find out what the facts are, and you can't always be sure you've got them, and often you don't have them. You have such facts as they give you, and on the basis of that package of facts you have to make your recommendation. You have to be willing to change your mind when you get new facts.

A lot of people think of a politician who changes his mind as a bit queer, but I always change mine when the facts warrant it. So I want to tell you, I know the problems that confront this industry in the field of labor relations. That's why I think it is so important that we work out a procedure that we will see to it that your legitimate rights are protected through the procedure for it.

I think the second thing I would leave with you this morning, in addition to the premise that you talked about is this: I used to drill it into the heads of my law students from the first day they entered my class as freshmen until they graduated; I want you to remember it because it applies to all human institutions, whether it's a courtroom, whether it's a congress, whether it's an executive branch of government, or ladies aid society. The substantive rights, I used to say to my students, of your clients will be no better than their procedural rights in any tribunal before which their substantial rights are considered.

And that's true of labor negotiations. That's true of the National Labor Relations Board or any other board that has jurisdiction over labor problems, and true of any special board appointed by the President. That's why in the recent railroad dispute when the President asked me to write a bill, after I made clear that I would be no party to a compulsory arbitration bill (I happen to be one of the two senators that voted against the only compulsory arbitration bill that was ever passed by the Congress of the United States, and that was a sad day, 1963, and interestingly enough involved another railroad case) because the procedures of compulsory arbitration can't be squared with economic freedom.

And I'm at a loss to understand why some leaders of industry every once in a while, because they have bad experiences in so-called voluntarism, are willing to bring in a third man, or a third group to determine their economic way of life. I'll be no party to it. I'll not impose it on either employers or workers, and therefore I wrote for the President the bill which you know was passed.

A lot of criticism came from labor for the same procedure that we followed in the War Labor Board mediation during the war; yes, mediation with finality; but it was up to the parties to compromise their differences, and then it was up to the Board of Mediation, in this instance, the War Labor Board, to offer compromises to them, not sit in a judicial capacity, but to work out common sense agreements.

I know the kind of case that you have—the type of case that you have in mind, where you don't have the procedure that gives you the guarantee that I'm talking about. Over 2,100 cases during the war were settled on the basis of this kind of mediation procedure, but it was a procedure that guaranteed just voluntarism in the settlement, and not compulsion by way of seeking to dictate prices, and dictate operation policies, and dictate wages and hours, and conditions of employment.

If you think for a moment that I don't recognize the need for great changes in labor procedure on both sides of that table, you couldn't be more wrong. And I hope that this session of Congress and future sessions

of Congress would be willing to come to grips with the need for reform here.

We'll take one more question then I'll have to leave.

Question. Senator, I'm a Canadian and I just wondered about your comment on this proposed new three percent tax subsidy on exports and three percent tax on imports. We're quite disturbed about this in Canada.

Senator Morse. I think you should be disturbed. I'm disturbed. But let me say, it goes to a more basic problem. I happen to be for open trade, but open trade calls for reciprocity. What we're confronted with, and I'm not talking hypothetically, what we're confronted with in American trade relations with so many countries is that it's become pretty much a one-way street, or predominantly most of the traffic is going one way, from our country to other countries, from the standpoint of the vehicles being concessions.

We're the ones that are making most of the concessions, and our allies and friends and neighbors are putting too many restraints upon us.

I mentioned the log problem, a problem with Japan. They want no restrictions on the exportations of logs, but it's perfectly all right for them to put weight restrictions upon finished products that we send into Japan; far outweigh our trade relations with them.

I speak most respectfully, and as a good neighbor we have some of those problems with Canada. We have some of those problems with Canada in the matter of lumber, and that's why there was this drive during the first year of the Kennedy administration, you remember, for a lumber quota on Canadian lumber. I thought it was unwise. I thought we ought to work it out by negotiations. And there was a joint commission, you may recall, it was set up by President Kennedy; great progress was made in trying to make this area of trade between the United States and Canada more reciprocal.

The basic problem here, I think, to meet this drive and it's a very, very heavy drive at the present time in Congress for more and more restrictions on the importation of goods is because, I'm sorry to say, we have been on the short end of it when it comes to reciprocal relations with countries with which we trade.

I wish I could tarry longer, because I learn more than you learn from me as I listen to your questions, and this is the way I learn. Thank you, very much. Good day.

THE PRESIDENT'S MESSAGE ON VETERANS' BENEFITS

Mr. DODD. Mr. President, it was with the utmost satisfaction and approval that I read President Johnson's message urging new legislation on behalf of the servicemen and veterans of the United States. It recommends the correction of inequities in existing laws, and it proposes in dramatic yet carefully considered fashion an entirely new field of endeavor in which returning veterans can continue to serve our great Nation.

I refer, of course, to the proposition that we create a corps of veterans in the public service, bringing their experience, their maturity and their patriotic zeal to the service of those who have been neglected and passed over in the complexities of our modern life.

This proposition, and I see this in full understanding of the deep, inner meaning of the words, is statesmanship of the highest most enduring type.

The President also directed our attention to an existing problem of the most personal nature to our veterans and their families. I refer to the urgent need to revamp the national cemetery system. I sincerely believe that nothing is more basic than a veteran's right to burial in a national cemetery if that be his wish. It is our sacred obligation to provide this choice. We are committed to find the most expedient method of correcting this situation. I have considered the matter, and it is my conclusion that the national cemetery system should be placed under the direction of the Administrator of Veterans Affairs. His agency is geared to meet the veterans' needs and it certainly has the facilities to solve the dilemma in a minimum amount of time. Therefore, I strongly recommend that we take the action necessary to accomplish this.

I will feel proud to endorse heartedly and without hesitation each of the President's proposals. In fact, I feel that we can do no less than to bring into speedy actuality the complete program offered by the President.

Not only will our veterans and those still in service be benefited by our action but the entire Nation will reap the rich reward of worthwhile endeavor in this brave attempt to solve, while facing a foe abroad, the problems that beset us at home.

ADDRESS BY THE CHIEF JUSTICE AT MOUNT ST. MARY'S COLLEGE COMMENCEMENT

Mr. BREWSTER. Mr. President, I have just recently had the opportunity to read the inspiring address which Chief Justice Earl Warren made to the graduates of historic Mount St. Mary's College, Emmitsburg, Md., last June 7, 1967, when he accepted an honorary degree from the college.

It was indeed fitting that the Chief Justice of the United States should address the 159th annual commencement of this great Catholic college which has been dedicated to the education of our Nation's youth since its founding in 1808 at Emmitsburg, Md., by the devout French priest, Father Dubois. There is a historic connection between Mount St. Mary's College and our Supreme Court. First, Father Dubois performed the marriage ceremony of Roger Brooke Taney on July 6, 1806, 2 years before the good father founded the college. As we know, Roger Brooke Taney served as Chief Justice of the United States from 1836 to 1864. Taneytown, situated in the beautiful western part of my State, is named for the family of the former Chief Justice.

Second, another Chief Justice of the United States, Edward D. White, of Louisiana, who served on the Court from 1910 to 1921, and his brother, James, attended the preparatory school of Mount St. Mary's in 1856.

Chief Justice Warren paid high tribute to the smaller colleges and universities, saying:

> Indeed, I think it can safely be said that the core of our system of higher education has from the very beginning been the smaller private colleges and universities.

He also challenged the 160 graduates to follow, each in his own way, the teachings of Pope John XXIII in his encyclical Pacem in Terris, which calls for the recognition of the dignity of all men.

Bishop T. Austin Murphy, the beloved auxiliary bishop of Baltimore, presided at the commencement exercises.

I cannot close my remarks without inviting the attention of Senators to the fact that my administrative assistant, John F. Sullivan, is a graduate of Mount St. Mary's College and was the first and only All-America basketball player that that distinguished college has ever had, and that the record he set while a student and a player there still stand.

I ask unanimous consent that the address by the Chief Justice be printed in the RECORD. I hope that Senators and all other persons interested in our small colleges and universities will read the speech. They will find it interesting, informative, and rewarding.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

> It is a great privilege to be with you today and to participate in these Commencement Exercises at Mount St. Mary's College. It is an important day not only for you of the graduating class and your parents but for the members of the faculty, who can take justifiable pride in the recognition which is today being accorded to the accomplishments of the senior class.
>
> This is the loveliest season of the year. Nature is adorned in her finest trappings, and it is the time when millions of students in thousands of American colleges, universities, and secondary schools complete another year of preparation for the advancement of human values in the society in which we live. It is the time of year when we renew our faith in the youth of America to carry on the quest for and make more meaningful the great goals of our Nation—freedom and equality of opportunity for all in a peaceful world.
>
> It is the season when hundreds of thousands of the finest young minds in America complete their training and leave their sheltered college world to launch their careers into an unchartered and turbulent world. We have great faith in them and not only hope but believe that they will carry on in the finest American tradition. We believe they will not only grapple intelligently and humanely with the problems of the new day, but will also make significant gains in some of the age-old problems that we are bequeathing to them. And one cannot read our morning paper or view our television without appreciating how great some of those problems are.
>
> There are two facets of the background of Mount St. Mary's which especially concern me because they involve two of my distinguished predecessors. One of these noteworthy historical items is that it was your founder, Father Dubois, who performed the marriage ceremony of Roger Brooke Taney on July 6, 1806, over two years before he established this college.
>
> Of perhaps even greater interest is that another of my predecessors, Chief Justice White, attended Mount St. Mary's for a year. Both he and his brother, James, had come up from New Orleans and entered the preparatory course. That was in 1856, when Edward was only eleven years old. During his year at the Mount, White was given honorable mention for his work in arithmetic, as well as in French composition and translation. But aside from these conventional subjects, together with Writing, History, and Geography, this young lad, who was later to become Chief Justice, pursued other subjects which even you seasoned scholars of the graduating class

will have to concede sound rather formidable today. These included the works of Ovid, Nepos, and Sallust in Latin, along with Latin Prosody. In addition, he studied Greek Grammar and Xenophon's *Anabasis*. That strikes me as constituting a rather impressive academic regimen for a mature college student, not to mention an eleven-year-old preparatory scholar.

The year that White attended Mount St. Mary's recalls another aspect of life in those days that will be of considerable interest to you parents in the audience. The annual fee for tuition and board was then $200.00. That fee included washing, mending, the use of bed and bedding, and an item described as "doctor's salary." Though current fees at the Mount seem extremely reasonable in comparison with those of many other institutions, one cannot help recollecting with pardonable nostalgia the charges when Chief Justice White was a preparatory student here. I believe it was Bennett Cerf, who recalling that at the time he was a youngster ten cents was a lot of money, remarked, "How dimes have changed!"

White served on the Supreme Court for 27 years, as an Associate Justice and later Chief Justice, from 1894 to 1921. During this period, marked by two wars, America became a major world power. Domestically, the epoch saw enormous industrial and commercial development and an increasing role by the national government in the country's affairs. Inevitably, the social and economic problems of the day were reflected in the litigation before the Court. White viewed the Constitution as an expanding document, flexible enough to respond to conditions not envisaged by the Founding Fathers. Rather than a "barrier to progress," it was to him "the broad highway through which alone true progress may be enjoyed."

Mount St. Mary's is what is generically known as a "small college." Why have the 850 young men in attendance here come to Emmitsburg instead of going to New York, Cambridge, New Haven, Los Angeles—or the many other seats of learning which are structured on a considerably larger scale? What do such places have that you don't? What do you possess that they lack? What, in short, is the place of the small college in America today? What is its future?

These are difficult questions and I am sure that there are no easy answers to them. But one thing I do know. There is today, as there has been for a long time in the past, a very distinct, unique, and highly significant place in the United States for the small liberal arts college, be it secular or religious, coeducational or not.

Indeed, I think it can safely be said that the core of our system of higher education has from the very beginning been the smaller private colleges and universities. They came into being before the great state universities and colleges, and throughout our history they have supplied the friendly competition essential in keeping our publicly supported universities and colleges alert and responsive to the needs of American youth. These private colleges are now numbered in the hundreds, and their graduates in the hundreds of thousands. These graduates, like the colleges from which they come, are found in every nook and corner of our land—in every line of human endeavor. In the aggregate, they represent a force of tremendous magnitude in our national life. Because the vast majority of these colleges have been founded for either a religious or other humanitarian purpose, they are leaven in the loaf of our society. To have operated so successfully in this category of educational institutions for almost 160 years as has Mount St. Mary's College should be a source of considerable satisfaction to all of you here today.

In our times, we are witnessing megalopolies, oligopolies, indeed bigness in infinite variety. This is true not only with respect to the economic and urban aspects of life in our Nation as we know it, but with respect to many other aspects as well. Though I do not maintain that in all circumstances the movement toward bigness is ominous, there is nevertheless an ever-present and distinct danger that our sense of values will be submerged in the process. This thought has been aptly expressed as far as educational trends are concerned by a prominent educator, Dean Brown of Princeton, when he said:

"In the climate of bigness and diversity which prevades America today there is danger that we may lose sight of those values in our society which size and complexity do not automatically enhance. In fact, there is reason to believe that bigness and diversity make it ever more difficult to reinforce in the minds and purposes of the multiplying numbers of persons and groups in our society the values which should motivate the whole."

Dean Brown went on to point out that the danger of attenuation of a sense of values in the very large university is evident in the way our institutions of higher learning have been developing. At the same time, these are the very institutions whose responsibility is the nurturing of our sense of values. Though he was addressing himself to what he termed "the squeeze on the liberal university," his comments apply with perhaps even greater force to the pressures on the small liberal arts colleges. They, too, stress values in our educational system which are somewhat different from those of the aggregates of educational, research, and service instrumentalities sometimes now known as "multi-versities."

What are some of these special qualities of the small college in comparison with those of the larger educational complexes? To paraphrase Dean Brown's analysis—the large institution appears to emphasize useful knowledge; the small college stresses humane values and the personal development of the individual student and scholar. The large institution assumes that values and dedication are a man's own business; the small college assumes that knowledge is but a means to attain wisdom and that it should, through its way of life and example, enhance the values and dedication of those participating in that way of life. The large institution accepts an attenuated sense of personality largely limited to prestige and easy visibility; the small college strongly maintains its sense of personality in the continuity and relationships of its trustees, alumni, faculty, and student body.

Yes, the small college still has much to offer and it would be a tragedy if it, too, should be a victim of bigness. The threats are real, and mostly of a financial nature. Income and endowment sources are not available on anything like the same scale that the larger universities command. Money from foundations usually goes to institutions which already have strong faculties and student bodies which have been highly selected. Similarly, federal money for higher education often goes for research and, therefore, often is not available to smaller institutions lacking in extensive research facilities. Colleges like yours which have made their contributions to the Nation and communities by providing education for the clergy and teachers as well as others not in the higher income brackets seldom enjoy the luxury of rich alumni. As was so aptly noted in connection with your recent Achievement Campaign, "Mount St. Mary's has been a place of lean purses and rich scholarship."

Though financial and related problems will continue to confront small colleges like yours, I do not for a moment believe that these problems are insuperable. As long as small colleges retain their perspective and perform in those areas where their special aptitudes lie, they will not only survive but they will prosper and continue to be what I previously described as "the leaven in the loaf of our society."

Though I am convinced that small colleges will remain a powerful and effective force in our society, one ominous cloud forces a qualification for hopeful appraisals of any sort. I refer to the persistent threat to world peace. If universal war should result from the conflicts which already rage in certain areas of the world or from the sources of disagreement which at any moment can lead to conflict elsewhere, everything that civilization has accomplished up to the present time will be destroyed.

I can think of no more fitting time than this perilous moment in world history, nor any more suitable occasion than a graduation exercise such as this to recall the teachings of one of the great men of history—the late Pope John XXIII—for no one has made a more impressive contribution in the pursuit of the search for peace than this great spiritual leader. He was able, as perhaps no one else within our memory, to appraise intuitively the hopes and the needs of mankind. He was a man of singular endowments, not the least of which was humility. In addition to his other great attributes, he possessed a fine sense of humor. If I may digress for a moment, I should like to recall one example. A visitor once asked Pope John how many men worked in the Vatican. "Half of them," the Pontiff replied.

Of the many accomplishments of Pope John's all too brief reign, one of the most outstanding was the Encyclical which he published in April 1963 entitled "Pacem in Terris." It is acknowledged in all quarters that this great document belongs to all people, to non-Catholics and Catholics alike. In fact, it is the first Encyclical in history ever addressed to "all men of good will" and not just to those "in peace and communion with the Apostolic See." This historic Papal proclamation is premised on the realization of the uniqueness of man and that his very survival depends upon resolution of differences to achieve the common cause of peace. As one commentator has expressed it, "It is not man's particularized beliefs but his own uniqueness that counts. For what threatens him is the loss of the basic conditions that make life meaningful and purposeful. The premise for this underlying postulate is made clear at the very outset of Pope John's Encyclical in these words:

"First of all, it is necessary to speak of the order which should exist between men. Any human society, if it is to be well ordered and productive, must lay down as a foundation this principle, namely, that every human being is a person, that is, his nature is endowed with intelligence and free will. By virtue of this, he has rights and duties of his own, flowing directly and simultaneously from his very nature, which are therefore universal, inviolable and inalienable."

After eloquently detailing these precious rights which are man's heritage, Pope John reminds us that obligations exist as well as privileges. It is also clear in human society, the Pontiff is careful to note, that all persons have a duty to respect the rights of others. We would do well to bear these strictures in mind today. We are a people who value our rights and liberties. We acknowledge today, in partial atonement for the errors of the past, our failure to accord these rights to our minority groups. Yet, without diminishing our commitment to the meaningful vindication of those rights, we must see to it that they are realized consistently with the law and order that are the very bulwark of our society.

And just as is true in the area of domestic affairs, so in the relations of nations to one another, the rule of law and order must prevail. The Pope stresses the importance of a public authority with worldwide power and instituted by common consent. He expresses the hope that the United Nations Organization "may become ever more equal to the magnitude and nobility of its tasks, and that

the day will come when every human being will find therein an effective safeguard for the rights which derive directly from his dignity as a person."

Within the compass of these few moments, I have not been able to do adequate justice to the "Pacem in Terris" Encyclical—indeed, I have not been able to probe more than the surface of its vast treasures. But, on this graduation day, I can think of no worthier commitment for the members of your Class of 1967 than to pledge yourselves to fulfilling as best you can the great promise which this document holds for mankind. You can do your part, humble and modest as it may seem, to make the Encyclical, not a document but a living reality, remembering, as I trust you will, the immortal words of our beloved late President Kennedy that: ". . . here on earth God's work must truly be our own."

Our President designated Memorial Day, a week ago yesterday, as a day of prayer for permanent peace. He urged everyone to join him in prayer to the Almighty for the safety of our Nation's sons and daughters around the world, for His blessing on those who have sacrificed their lives for this Nation in this and all other struggles, and for His aid in building a world where freedom and justice prevail, and where all men live in friendship, understanding and peace. I trust that every one of us will join in that prayer not only for Memorial Day but for each and every day of the year.

In conclusion, I would like to say again that I have great faith in the young people of today, and I am confident you will make full use of the opportunities which lie before you. It is the simple truth that in this Nation each succeeding generation has had greater opportunities than the one which preceded it. Surely your generation is on the threshold of a great cycle of human advancement. The means are at hand for the loosening of the bonds of disease, hunger, ignorance, oppressive toil, and war. In realizing these objectives, you will explore, not only the far reaches of the space above us and the core of the earth beneath, but also the souls of men. I wish you every success as you pursue this exciting and challenging quest.

ADDING FUEL TO THE MIDDLE EAST FIRES—RESUMPTION OF U.S. MILITARY ASSISTANCE TO JORDAN

Mr. GRUENING. Mr. President, this morning's newspapers give added details concerning the resumption of fighting on the Jordanian-Israeli border.

It is no mere coincidence that the resumption of the border fighting came shortly after the United States announced that it was lifting the ban on military assistance to Jordan.

The Washington Post points out in an editorial this morning:

There is no evidence that the purchase of American rather than Soviet arms would make Jordan a responsible, or more responsible, state, and there is the evidence of the June war to indicate contrarily that suppliers cannot control the use to which the recipients put their arms.

The resumption of open hostilities between Jordan and Israel certainly bear out the truth of this assumption.

On October 4, 1967, I said on the floor of the Senate:

The time has come for the United States to view King Hussein realistically and not through illusory, rose-colored glasses. Further economic and military assistance to Jordan should be stopped at once and should not be resumed until Jordan has agreed to sit down at the peace table with Israel. If King Hussein chooses to squander his country's meager economic resources on armed aggression rather than on its economic development, he should not be supported in these rash endeavors by U.S. economic and military assistance.

How long will it take the United States to realize that in attempting to prop up King Hussein of Jordan time and time again the United States is relying on a weak reed indeed—a reed which is bent by every passing breeze.

In resuming arms shipments to Jordan, the United States is inviting the resumption of hostilities in the Middle East. Further than that, the United States is giving further evidence of the bankruptcy of U.S. foreign policies throughout the world—policies which are earning for the United States the enmity and not the continued friendship of more and more of the nations of the free world.

I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the editorial from the Washington Post for February 16, 1968, entitled "Arms for Jordan" and the account by James Feron of the fighting on the Jordanian-Israel border as it appeared in the New York Times on the same date.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 16, 1968]

ARMS FOR JORDAN?

The stated reason for resuming arms shipments to Jordan—that otherwise Moscow would gain the upper hand—is a bad reason which does not justify the decision. The American interest in Jordan is not that the United States have more influence than the Soviet Union but that Jordan pursue regional peace. There is no evidence that the purchase of American rather than Soviet arms would make Jordan a responsible, or more responsible, state, and there is the evidence of the June war to indicate contrarily that suppliers cannot control the use to which the recipients put their arms.

Jordan is weak but is it also in danger? Certainly not from Israel, which last June took from Jordan all it could possibly want. True King Hussein is in danger from his fellow Arabs, particularly Iraq, which still keeps 15,000 troops in Jordan. But who will argue that the United States ought to be sorting out Arab quarrels, at the cost of increasing tension and accelerating an arms race between the Arabs and Israel?

There may be one plausible reason for selling Jordan arms: that for his personal pride and his national bargaining position, King Hussein needs the increment of independence they would provide. This is not a consideration to be dismissed. But it does not outweigh the embarrassment of supplying arms to countries which would be likely to use them against each other, or the danger of building up the level of arms in a region still so far from peace. The extent of that embarrassment and the depth of that danger are clearer than ever after yesterday's savage outbreaks on the Jordan-Israel frontier.

[From the New York Times, Feb. 16, 1968]

ISRAELIS USE JETS IN DAYLONG CLASH WITH JORDANIANS—TANKS AND ARTILLERY ARE ALSO EMPLOYED IN BATTLE ACROSS RIVER—JERICHO SHELLED

(By James Feron)

JERUSALEM, February 15.—A battle between Israel and Jordan involving jets, tanks and artillery erupted today along the Jordan River. Israeli officials said that the west-bank town of Jericho had been shelled by the Jordanians.

The incident began, as have many others in the last few weeks, with an exchange of light-weapon fire across the river in the Beisan Valley, south of the Sea of Galilee.

The Israelis said that the Jordanians had started the shooting and that, unlike recent incidents, they had begun to bombard settlements on the Israeli side of the border.

[The Tel Aviv radio reported that firing stopped late Thursday night and a similar announcement was made in Amman by a Jordanian spokesman, according to The Associated Press.]

Shells crashed into about 15 houses in Kfar Ruppin and several buildings were hit in Maoz Haiyim. By midafternoon the settlements of Gesher and Beit Yosef had come under fire.

ISRAELI PLANES CALLED IN

The Israelis, who had been returning the fire, called in their air force at this point, and within minutes the Israeli jets were striking at targets within a 10-mile band on the east side of the river.

[Maj. Gen. Moshe Daynan, the Israeli Defense Minister, canceled a visit to the United States, which was due to have begun Friday.]

Witnesses said that Jordanian antiaircraft fire was coming from within villages in the area and that the Israeli jets were hitting these positions. They were pounding positions in the foothills of the plateau and on the plateau itself.

By nightfall, when these Jordan River exchanges usually end, shells continued to fall on both sides. Soon the shelling extended southward along the river, which forms the ceasefire line on the eastern border of the west-bank territory.

The Israelis reported that by about 8 P.M. the town of Jericho had come under Jordanian artillery fire. It was the first time that this historic town was involved in one of the river exchanges.

Israeli officials said that firing continued at a heavy pace at several other points along the river. It was not known whether the jets continued their attacks after dark.

Israeli military officials declined to discuss the day's activities, presumably because shooting was still going on long after nightfall.

Earlier in the day, Arab civilians from the west bank and Jerusalem crossed the Allenby Bridge, near Jericho, without hindrance. One of the last travelers to cross, at about 4 P.M., said it was an eerie and frightening experience.

He said that both sides had pulled back for about half a mile from the bridge, once a thriving passageway, where Israeli and Jordanian soldiers, officials and travelers mingled.

This time, the West-Bank and Jerusalem Arabs, who had crossed a few days earlier with passes issued by the Israeli authorities, returned across a virtual no man's land between the Jordanian and Israeli officials, both of whom were still polite and accommodating in their more protected positions.

PLANES HEARD OVER JERUSALEM

During the day, jets and light aircraft could be heard occasionally over Jerusalem.

Todays air force strike followed warnings issued by Israeli Government leaders for the last few days in response to what they have asserted to be mounting Jordanian provocations.

It also seemed to underline the Israeli decision to forego the prewar type of retaliation raid, which was usually launched after several sabotage and terrorist incidents, or the massive but delayed response such as the shelling of the Egyptian refineries in Port Suez a few days after the sinking of the destroyer Elath.

Defense officials are understood to now

favor the immediate response, such as trading artillery shell for artillery shell or the jet strike in reply to what the Israelis said today was the well prepared shelling of civilian settlements.

THIRD USE OF AIR POWER

The air force strike was the third such use of air power by the Israelis on the Jordanian front since the end of the six-day war last June.

It was similar to the encounter on Jan. 8, when Israeli jets attacked Jordanian positions after the shelling of Kfar Ruppin and Maoz Haiyim. The first air strike came in November, after an Israeli jet had been shot down by the Jordanians.

The Israelis said that they had not lost any planes. One civilian and one soldier were wounded in today's exchange, according to the Israeli report.

[From the New York Times, Feb. 16, 1968]

JORDAN SAYS FIGHTING RAGES

AMMAN, JORDAN, February 15.—Fighting was raging tonight between Israel and Jordanian troops all along the cease-fire line between the two countries.

By late tonight, the shelling, with both sides using artillery and tanks, had gone on for about six hours.

A military spokesman said here tonight that Israeli artillery was shelling a large area of Jordan and concentrating on the villages of Zamalia, Wakkau, Vakhraba and Es-Sammeh, in the northern Jordan Valley.

Earlier today, a spokesman said four Israeli fighters had been hit by Jordanian anti-aircraft fire. [Israel later denied this.]

Israeli aircraft swept over the border and bombed Jordanian positions shortly after the clash started with a tank and artillery barrage on Jordanian advance posts in the Jordan Valley, the spokesman said.

DAYAN CANCELS U.S. TRIP

Maj. Gen. Moshe Dayan, the Israeli Minister of Defense, who was scheduled to arrive here today, has canceled his visit, according to word received by the United Jewish Appeal.

General Dayan was scheduled to have made several speeches for the fund-raising group. It was believed that his decision to cancel the trip was forced by the new fighting between his country and Jordan.

ARMS SHIPMENTS TO JORDAN

Mr. BREWSTER. Mr. President, the State Department announcement that the United States will resume arms shipments to Jordan causes me grave concern. This decision appears to be entirely contrary to the establishment of a permanent peace in the Middle East and to the protection of the vital interest of the United States.

Regrettably, the Arab nations refuse to recognize the existence of the State of Israel. They openly admit that their foreign policy is based upon a plan to destroy Israel.

In this tragic and almost unbelievable adventure they are armed and abetted by the Soviet Union.

We are committed to the preservation of Israel's integrity and independence and her ability to exist among her Middle East neighbors. But now it appears that we are about to feed the hand that bites her.

The answer of course is to end the arms race, not to contribute to it.

Look at what happened yesterday. In Washington, the announcement was made that the United States has decided to resume arms shipments to Jordan. At the same time, Jordan and Israel were engaged in the most serious outbreak of fighting since the end of the war last June.

The main purchase item that interests Jordan is expected to be several squadrons of U.S. F–104 supersonic starfighters.

Just a few weeks ago, Israel Premier Levi Eshkol was in the United States to also seek supersonic fighters from this country.

The United States has not publicly announced a decision on Israel's request for assistance.

But it is known that Maj. Gen. Amer Kammash, Chief of Staff of the Jordanian Army, was in the United States for 3 weeks of secret preliminary negotiations at the Pentagon.

We talk of peace but now are apparently about to supply the tools of war to an avowed aggressor. To me this policy seems to be most inconsistent.

Bluntly stated, this is the situation:

First. The Arab nations were the aggressors in the war last June.

Second. Since that war, the Soviet Union has undertaken a massive resupplying of arms to the Arab States.

Third. Whatever interpretation might be placed on Jordan's position, there is no doubt where Jordan stands. Jordan was at war with Israel last June, and is still at war with Israel.

From the developments of the past several months, I believe the U.S. policy in the Middle East should be based on these fundamental points:

First. There should be no arms shipments of any kind to Arab nations. Rather, to preserve the balance of power that Israel must have, the United States should honor Israel's request for the jet fighters she needs to counter the Soviet-supplied arms buildup in the Arab states.

Second. All efforts must continue in the United Nations for establishment of a permanent cease fire and peace in the Middle East.

Third. Both Israel and Arabs alike must share a joint responsibility for the permanent resettlement of a generation of refugees.

Fourth. Agreement also must be reached among the nations of the Middle East on policies and programs to assure the adequacy of water supply and use of water resources in an area where the availability of water is a major factor.

This is the policy that will best serve the United States and our goals in the Middle East. It is a policy that is severely shattered by the decision to resume arms shipments to Jordan. That decision should be rescinded.

Mr. President, the Washington Post, in today's editions, contained an editorial on this subject with which I fully agree. I ask unanimous consent that this editorial be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARMS FOR JORDAN?

The stated reason for resuming arms shipments to Jordan—that otherwise Moscow would gain the upper hand—is a bad reason which does not justify the decision. The American interest in Jordan is not that the United States have more influence than the Soviet Union but that Jordan pursue regional peace. There is no evidence that the purchase of American rather than Soviet arms would make Jordan a responsible, or more responsible, state, and there is the evidence of the June war to indicate contrarily that suppliers cannot control the use to which the recipients put their arms.

Jordan is weak but is it also in danger? Certainly not from Israel, which last June took from Jordan all it could possibly want. True, King Hussein is in danger from his fellow Arabs, particularly Iraq, which still keeps 15,000 troops in Jordan. But who will argue that the United States ought to be sorting out Arab quarrels, at the cost of increasing tension and accelerating an arms race between the Arabs and Israel?

There may be one plausible reason for selling Jordan arms: that for his personal pride and his national bargaining position, King Hussein needs the increment of independence they would provide. This is not a consideration to be dismissed. But it does not outweigh the embarrassment of supplying arms to countries which would be likely to use them against each other, or the danger of building up the level of arms in a region still so far from peace. The extent of that embarrassment and the depth of that danger are clearer than ever after yesterday's savage outbreaks on the Jordan-Israel frontier.

AMERICA DOWN THE DRAIN?

Mr. FANNIN. Mr. President, a most perceptive editorial appeared in the Arizona Republic last Sunday. It cites Nikolai Lenin's 1917 prophecy that America would "spend herself out of existence."

Furthermore, the Republic's editorial writer points out that Lenin's predictions about Germany and England have already come to pass.

Mr. President, I am convinced that it lies within the power of this body, the Senate of the United States, to see to it that the prophecy of one of the founding fathers of international communism does not come true. If the courage and integrity of the American people can be expressed correctly through their elected representatives in the Senate, I think the Republic may yet be rescued from the reckless course charted by this administration and go on to prove Lenin wrong.

So that Senators may have the benefit of this perceptive editorial, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Feb. 11, 1968]

WILL AMERICA ALSO GO DOWN THE DRAIN?

"Germany will militarize herself out of existence, England will expand herself out of existence, and America will spend herself out of existence." So said Nikolai Lenin in 1917.

Germany has fulfilled the prophecy. England has fulfilled the prophecy. America is in the process of doing so.

Our country has already reached the point where our profligate, wasteful, extravagant and unnecessary government spending is threatening the entire future of our nation and our people. We keep being reassured that we can afford all those billions, that "the people" need or want these expensive programs at home and abroad, that we only owe our huge debt to ourselves. But the dollar

is in trouble. Inflation is increasing. We are losing gold at unprecedented rates. And taxes are still increasing.

In 1960 our total federal budget was $94 billion. Last year it was almost double that—$172 billion. The President has asked for $186 billion for 1969. And every state is increasing expenses and increasing taxes.

Do we really need to spend all these billions? Do "the people" want to be taxed all those billions?

There have been 112 "new" federal programs since 1960. The President has asked for 16 new ones this year. Since 1960 only one federal program has been abolished. All the rest have been increased. Congress last year increased the budget by $13.5 billion—more than the biggest total budget of Roosevelt's peacetime years!

We have spent $152 billion on foreign aid and interest on what we borrowed to spread this money around to more than 100 countries. What good did it do? What good did it do you? What good is it doing now?

There is $23 billion "in the pipeline" for foreign aid—all so far unspent. Yet the President keeps asking for more and more billions to add to it!

Do you want to spend the $36.5 million Vice President Humphrey just promised to send to the Ivory Coast while the President was proposing a tax on American tourists going abroad?

The administration is spending millions to beautify our highways and tear down ugly signs. At the same time it is spending $5 million to erect new signs to put up along the highways!

Do you want to pay taxes to finance a $2,350 picnic shelter in Manitowoc County, Wis.? How about the $2.5 million we spent to build houses in Rio de Janeiro? The $1 million we spent on trains in Thailand? The $1.5 million we spent on a WAC barracks in Maryland just before the WACs were sent to Florida? Or the $45,000 flagpole?

You paid $33,398 for 130 knobs at the Pentagon that retailed at only $210. You paid for 27,000 tons of food that was just plain "lost" overseas. That cost $4.3 million, or the same amount that an entire city of 10,000 people pay each year in income taxes.

You are paying the salaries of 276,000 more federal employes this year than last. Nondefense spending has almost doubled since 1960. The national debt has increased 14 times since 1960. Since President Johnson entered the White House, your cost of living has increased 9 per cent!

The Federal government spends $17 billion on "research." That is enough by itself to wipe out this year's inflation-producing deficit. What is this research for? Nobody knows. The Library of Congress tried to find out and reported that nobody in the federal government knows how many research laboratories are federally financed or where they are!

The Department of Health, Education, and Welfare spends more than $100 million a year on research programs like "Understanding the Fourth Grade Slump in Creative Thinking." The Commerce Department spent $95,000 to find out why shipping rates are lower on imported goods than exported goods.

The National Science Foundation financed a study of the 1966 governor's campaign in Maryland. What on earth for? The National Institutes of Health spent $11,782 to finance "A Social History of French Medicine 1789–1815." It spent $10,917 for "Emergence of Political Leadership: Indians in Fiji."

The Office of Economic Opportunity shelled out $39,000 to find out why some underprivileged youths reacted favorably to "It's What's Happening, Baby"—a nationally televised rock and roll show praising the Job Corps. The National Science Foundation gave Stephen Smale, who organized demonstrations aimed at halting troop trains in California, $6,556 of your tax money to go to Europe!

U.S. government agencies subsidize with your taxes $2 billion a year in university "research." The result has been that 40,000 professors have stopped teaching to do federal "research." Dr. W. T. Lippincott of Ohio State University calls federal research grants "the most powerful destructive force the higher education system ever faced."

Is all this, and much more, really necessary? Is it even desirable? Does it do any good for the people of the United States who support it? Do you "demand" these services, implore your federal government to start new programs at the rate of more than 100 every 10 years?

The average American is being taken by his government and its sycophants to the tune of billions of dollars. He gets nothing back but the bills for hundreds of unnecessary and useless programs that the government loads on his back.

How much can you take? How much can the nation take? How much, before we go down in the dust under this intolerable burden?

Unless this is stopped—and soon—Lenin will be proved right. "America will spend herself out of existence" and we will all lose the "last best hope of earth" to the tyranny of communism.

VIETNAM MYTHS AND FALLACIES

Mr. GRUENING. Mr. President, Emmet John Hughes, writing in Newsweek for February 19, 1968, cogently analyzes the reasons for the tragic military involvement of the United States in Vietnam, points out that the American people must face one overriding truth in facing the current day of reckoning with respect to the inevitable disintegration of U.S. policies in Vietnam:

The reckoning was inevitable because it was forever flawed. Such a truth is almost too bitter to bear . . . its full warning is not to be read as a matter of what America *failed* to do but what America *tried* to do.

He points out that the Vietnam "tragedy" was structured on four elements:

I. *The Abuse of History.*—The dogged insistence that the war in Vietnam signaled precisely the same political commitment as all U.S. actions since World War II . . . deterring Communist aggression. On the contrary: . . . *No* previous conflict cast America in the audacious role of an effective heir to hated colonial authority . . . *No* previous conflict engaged America in the audacious labor of creating a new sovereignty . . . You cannot truly win a conflict that you cannot truthfully define.

II. *The Extravagance of Pretense.*—A policy so grandiose would have had to (1) admit the absence of any national tradition of democratic self-government, (2) budget the American cost for the crusade at $25 billion annually and an expeditionary force of at least 500,000 men, (3) insist on the populace's agreeable appreciation of a war making 20 per cent of them refugees, and (4) enjoin against impatient demands for political success in less than ten to fifteen years.

III. *The Tyranny of Weakness.*—The whole strategy of American bombing followed not from any illusion of mortally hurting the north but from the exigency of morally helping the south. . . .

IV. *The Fertility of Falsehood.*—Thus the fixed American dogma on the Vietnam upheaval—not truly civil war but naked foreign aggression—almost inexorably made believing Americans confused witness to the whole conflict, as they positively predicted the collapse of Viet Cong morale or jauntily presumed the loyalty of the cities to Saigon and their gratitude to Washington. . . .

I ask unanimous consent that the excellent analysis in Newsweek by Mr. Hughes of the fallacies upon which U.S. military involvement in Vietnam are founded be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, Feb. 19, 1968]

THE LUCKY AMERICANS

(By Emmet John Hughes)

As America now ponders the price of its policy in Asia, the quest for any healing wisdom must begin with the facing of one truth: the reckoning has been inevitable, for the policy was forever fatally flawed. Such a truth is almost too bitter to bear. For many, it will be so much easier to explain away the Vietnam tragedy in terms of cruel misfortunes or chance misjudgments. But this kind of history has not been decreed by blunders—but by premises. It has not been ruled by anguishing circumstance but by avowed purpose. And its full warning is not to be read as a matter of what America *failed* to do but what America *tried* to do.

The tragedy, in short, has a structure. Of what elements has it been built—from the beginning? To name them—too bluntly and too simply . . .

I—The Abuse of History.—The fateful basis for national policy has been the false analogy—the dogged insistence that the war in Vietnam signaled precisely the same political commitment as all U.S. actions since World War II, from Greece to Korea, deterring Communist aggression. On the contrary: the intervention in Vietnam has been unique and unprecedented. To cite but two governing facts . . . *No* previous conflict cast America in the role of an effective heir to hated colonial authority, alienating rather than arousing nationalist pride. And *no* previous conflict engaged America in the audacious labor of *creating* a new sovereignty, rather than shielding an authentic sovereignty-in-being . . . A policy disdainful of such historic differences could have but one end. You cannot truly win a conflict that you cannot truthfully define.

II—The Extravagance of Pretense.—If a quixotic claque of liberal dreamers had conceived, for some imaginary foreign realm, a policy so grandios as the American design for Vietnam democracy, the nation's conservative chorus would have laughed and yelled its derision. For the matching design for this remote Camelot would have had to (1) admit the absence of any national tradition of democratic self-government, (2) budget the American cost for the crusade at $25 billion annually and an expeditionary force of at least 500,000 men, (3) insist on the populace's agreeable appreciation of a war making 20 per cent of them refugees, and (4) enjoin against impatient demands for political success in less than ten to fifteen years. Yet such an unworldly fantasy has appeared wondrously transformed into a sober matter of national security. Such is the miraculous anointing power of the sacred cause of anti-Communism. Thus blessed, the whole scheme remained, of course, entirely irrational. It simply became indisputably holy.

III—The Tyranny of Weakness.—There is no more notorious danger for a great power than to shape decision and action to fit the wants and weaknesses of a small power. Yet this has been the very pattern of Washington's alliance with Saigon. The whole strategy of American bombing followed not from any illusion of mortally hurting the north but from the exigency of morally helping the south—at a time when Saigon seemed stum-

bling to defeat. And the government sustained by such drastic devices thus came to possess but one kind of strength—the arrogant assurance that, since the commitment of America could be viewed as irrevocable, the counsel of America could be ignored as irrelevant.

IV—The Fertility of Falsehood.—From the distorted definition of reality, there must follow the monotonously false observations of events, as judgment is twisted to conform to premise. Thus the fixed American dogma on the Vietnam upheaval—not truly civil war but naked foreign aggression—almost inexorably made believing Americans confused witness to the whole conflict, as they positively predicted the collapse of Viet Cong morale or jauntily presumed the loyalty of the cities to Saigon and their gratitude to Washington. And so the chain of snarled inference goes on—until the American commander hails as a triumph the recent devastation and a new army of refugees 345,000 strong.

There is a final measure to be taken of this tragic American mission. The belligerency of North Korea has served as sudden reminder of what has been almost smugly forgotten: the power of "the Communist conspiracy," all these years, to spread the agony in Vietnam to other arenas. Obviously the crisis in Asia today could already have become appallingly *more* grave . . . *if* China had not been locked in its own civil strife . . . *if* its schism with Russia had not widened . . . or *if* Communism were, in short, the monolithic menace of American mythology.

So the future historian may look back upon the grim present only to conclude, surprisingly but sensibly: the Americans were incredibly lucky. The Communist world did not behave by the cunning and dreadful prescripitions of American folklore. And the historic cost of the American adventure was dramatically reduced by happy contingencies entirely beyond American contriving or foreseeing.

There remains for us but to wonder whether a mindless reliance on reprieve-by-chance holds much promise of a long life to a great power.

GOVERNMENT PRESS SECRETARIES

Mr. MUSKIE. Mr. President, an appreciation and understanding of how the world learns about many of the important news developments at the White House, Department of State, and the Department of Defense is extremely valuable today.

In an era of fast-breaking, crucial news stories, the capacity of individual citizens to interpret for themselves the significance of each story is essential to the strength of our Nation.

News correspondent Donald R. Larrabee recently described the men who speak for the President, Secretary of Defense, and the Secretary of State, in a feature story for the Portland, Maine, Sunday Telegram.

Mr. Larrabee profiled Presidential Press Secretary George Christian, the State Department spokesman, Robert McCloskey, and the Defense Department spokesman, Phil Goulding. Mr. Larrabee's description of these men's jobs and the sensitivity of their work is especially significant today, and I ask unanimous consent that Mr. Larrabe's article appear in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DON LARRABEE TAKES YOU BACKSTAGE IN CRISIS NEWS

WASHINGTON.—In the White House at high noon last Monday, after a week-end in which the crisis over the USS Pueblo had gotten no better or no worse, George Christian, 41, the rotund, pleasant, impassive presidential press secretary, held his regular briefing with reporters. He said virtually all that anyone in government would say—officially at least—that day.

Christian's is a powerful voice because it is the voice of the President and, indeed, the Administration. He speaks with authority and he never speaks without the President, the Secretary of State and the Secretary of Defense knowing generally what he will say, on matters of global importance.

Before he enters the room to face the regular White House reporters—and the dozens of others who are attracted to the Executive Mansion by an international crisis—Christian has already:

Spent vital minutes with the President himself, possibly in his bedroom, reviewing the latest intelligence reports and the current status of our Korean involvement. He has a thorough understanding of the President's purpose and the Government's posture.

Conferred with Richard Moose, foreign service officer, borrowed a few months ago from the State Department to work with the President's national security adviser, Walt Whitman Rostow. Moose has talked with high-level officials at the State and Defense Departments, going over the existing situation point-by-point and laying the groundwork for the "policy line" that will be voiced throughout the Government during the day.

Checked with the official spokesman at the Defense Department, Assistant Secretary for Public Affairs, Phil G. Goulding, and the State Department's official press spokesman, Deputy assistant secretary Robert J. McCloskey. These men decide on where the responsibility will rest for making certain statements. The important point is that Goulding and McCloskey know basically what the White House will tell the world when the regular late-morning briefing is held. There will be one voice and one policy position and McCloskey, in his routine 12:30 briefing with State Department correspondents, and Goulding, in his more informal chats with the Pentagon reporters, will not deviate from it.

When the "briefing" call is sounded at the White House, especially in a time of crisis, one word can be important—and world capitals are listening. The press corps knows the cautious, taciturn Mr. Christian will not open his mouth unless he has the word straight from the President.

Cape Elizabeth's Harold (Hal) Pachios, who was part of the White House press staff until a few months ago, put it this way: "Every word attributed to the President is significant. Every sentence will be taken apart and put together again 15 times, not only by the press in this country but also by intelligence forces of foreign countries."

On this particular Monday, after a grim uncertain week-end, Christian has in his hand a carefully-prepared statement which he will either read or use as a basis to answer questions. He begins by calmly stating that he expects the President will be meeting off and on during the day with senior advisers on the Pueblo situation . . . just as he has been over the week-end and for the past few days. The President has talked with McNamara, Rusk, Rostow and others by phone.

"Can you characterize where it stands now?" a reporter asks.

Christian glances down at his notes and proceeds, without emotion: "We're continuing our efforts to reach a peaceful solution. The security council is meeting again this afternoon. There are a number of other channels available to us which are active at this time. It wouldn't be desirable to discuss these. The International Committee of the Red Cross is attempting to contact the North Korean Red Cross to get information on the crew and the identity of our casualties. We've heard nothing further on this since the request was made to the Red Cross last Friday."

"Has the president been in contact with (Soviet) Premier Kosygin?"

Christian repeats that there are some things that can't properly be discussed. He then moves on to an obviously prepared text. He emphasizes the United States is engaged in a "prudent, orderly and limited deployment" of its forces in the area. He calls attention to the President's remarks of the previous Friday that these moves are "precautionary". He reiterates that these matters will not be discussed in specifics at the White House briefings.

A reporter says he heard former Under Secretary of State George Ball predict on a television show that the Pueblo's crew would be released in two weeks. Christian gives no credence to the thought that there is any official timetable. He smiles when the reporter says Ball was willing to bet $10 the men would be released. "I hope he wins," says Christian.

"Do we know where the men of the crew are?" he is asked.

"I would hesitate to speculate," Christian replies.

That's it—and the reporters move out to file stories which they can attribute to the White House. The quotes are those of George Christian, Press Secretary. But the office of the President of the United States stands behind them.

Christian, a 41-year-old native Texan who began his newspaper career as a sports writer in Temple, Tex., came to the White House via professional political press chores for two Texas governors, including the current one, John Connally. He moved into his present job when Bill D. Moyers left the President about two years ago.

Although many reporters find him difficult to take, since he seemingly has so little to give in the way of hard news, Christian is probably the ideal spokesman for a man like Lyndon Johnson. They now understand Christian is entitled to be present whenever and wherever there's a "happening" involving his boss.

To gather new material for this Telegram article. I saw George Christian in his offie after the briefing last Monday. Christian unwound slightly and explained his role and his approach to the job of chief information coordinator for the most powerful government in the world:

"Normally, I talk to the President at least twice a day in advance of my morning and afternoon press briefings. But, in reality, we keep a running dialogue all day long. The main protection I have is that I attend everything the President attends. Anything he does, I have a right to be there. If you're oblivious to what's going on, you're helpless."

Our talk was interrupted by a call from State's Department spokesman Robert McCloskey who had just completed his noon-hour briefing of the press. Christian confirmed that he had voiced the official line for the day. McCloskey said there had been nothing untoward at his briefing. He had answered a question clarifying our Vietnam position on a bombing halt. Christian had not been asked the question. If he had, the White House Press Secretary was prepared to give the very answer given by McCloskey.

Christian said, with an audible sigh, that things had gone well around town since the Pueblo crisis erupted. The lines of communication with the Pentagon and State Department now seem well established. But Christian lives in fear that there will be a breakdown.

"The magnitude of it causes the whole thing to wobble some times," he remarks, re-

calling the uproar last June during the Middle East crisis when McCloskey told his "briefing" that the United States was intent on being neutral in thought, word and deed.

"It didn't take us long to realize that what he said had been construed rather hard," Christian recalls. "He didn't mean it quite the way it sounded, as if the United States was above assuming any responsibility in the situation.

"I didn't want to leave the White House and McCloskey in complete conflict: But Im afraid I did an inadequate job of trying to explain the difference between neutrality and non-belligerency. Finally, I prevailed on Secretary Dean Rusk, who was at the White House, to see the press as he left the building. He drew the proper distinction and it helped. After all, Rusk was someone to quote who overrode both me and McCloskey."

M'CLOSKEY

Aside from a crisis situation of the current variety, Christian likes to operate with a "minimum of overlay" in relation to his counterparts at State and the Pentagon. He admires and respects McCloskey and Goulding, both former newsmen who have proven their good judgment. Bob McCloskey, who joined the Department as a foreign service staff officer some 12 years ago, has been in the Bureau of Public Affairs since 1957. He worked for a paper in Bethlehem, Pa. and with the Associated Press before entering government service.

Christian says he feels the State Department, generally speaking, ought to be the spokesman on foreign policy "and I want to keep the White House out of any detailed discussion of things that ought to be handled in State Department briefings."

The White House Press Secretary adheres to the view that the State Department is more closely in touch with developments, moment to moment, and in a better position to keep conflict at a minimum if there's not too much White House involvement.

GOULDING

By the same token, he would rather leave detailed discussion of military leaders in the expert hands of the very affable and capable Goulding who, while on the job for only about one year, had been a deputy to former Pentagon Press Chief Arthur Sylvester for about two years. More importantly, Goulding spent 15 years in Washington for the Cleveland Plain Dealer where he specialized in military and defense coverage.

Goulding, incidentally, has two deputies who know their way around the Pentagon which is both a mental and physical feat. They are Richard Fryklund, long the respected military editor of the Washington Evening Star and Dan Z. Henkin who covered the Pentagon for the Journal of the Armed Forces.

Old Pentagon hands see not much difference between a crisis situation and the day to day operations in the long corridor that separates the regular Defense Department press corps and the civilian brass.

"Goulding sees the Secretary every morning and throughout the day, as necessary. He's kept up to date. He can get special briefings from anyone when he needs to. He keeps in touch with the State Department and the White House at the public affairs level. He's very close to McNamara (and presumably will be with Clark Clifford, the incoming Secretary).

"When Goulding gets ready to drop around to the press room to give one of his irregular briefings, he might pick up the telephone and call McNamara to tell him what he proposes to say—just to be certain he's in line. Goulding's office is pretty much open all day. He runs an informal shop," one of his close associates explained.

BACKGROUNDERS

When Christian, McCloskey and Goulding speak at their formal briefings, they are usually quoted in their capacities as official spokesmen. But no examination of Washington news coverage would be complete without at least a cursory glance at the way news is developed from the unofficial sources who must not be identified, except as "Defense officials" or "high government sources" or "usually well informed sources." There are a variety of attributory expressions which are supposed to lend authenticity to the views.

In the Pueblo crisis—as in all others—newsmen are desperately trying to get something more than what is being offered by the official spokesmen. They seek out the known workhorses in the State Department and the Pentagon, the advisers and the experts who help to shape decisions. They may not learn any real secrets but they quite possibly will obtain clarification so that an interpretative article can be written, stating that "The real meaning of today's events is . . . etc. . . ."

In this context, a Defense Department news officer referred to the Pentagon as a "five-sided sieve". He hastened to assure me that military men are not leaking defense secrets willy-nilly but he indicated that many are willing to talk privately within their area of competence.

This is not necessarily bad, if it helps a reporter's understanding of a complex defense development. But the situation can get a bit sticky when a man, like Gen. William Westmoreland comes to town and agrees to visit a few newsmen for an off-the-record "backgrounder."

The General last Fall attended a private party at the home of the Baltimore Sun's military writer Charles Corddry. He agreed to talk without any of the reporters present attributing the remarks to him. Westmoreland made news at the dinner and some of the reporters who were not present were able to report the source of the information on our plans to turn over more of the fighting to the South Vietnamese.

The "backgrounder" is, in fact, a journalistic ritual in Washington nowadays. Almost every Thursday, Secretary McNamara meets with a little band of Pentagon journalists to talk over weapons, budgets, strategy and politics. Usually, the American people learn next day about what U.S. officials think. They are not told that the thinking is that of the top U.S. defense official.

A similar performance takes place at the State Department, usually around 6 p.m. on Fridays. Secretary Rusk's remarks may appear as coming from a "high official", "people in a position to know" or "government experts."

There is a danger, the critics say, that reporters may swallow the material that arises from backgrounders, without realizing that some people use them to promote pet projects and policies. George Christian indicated that the White House often gets trapped by a remark made by a foreign diplomat which can't be refuted easily but which tends to lend credence to the "credibility gap" charge.

"We're defenseless against this sort of thing," he said.

There have been instances, though, when newsmen have been contacted by diplomatic representatives of other countries to become intermediaries with the Government. The most notable recent publicized incident was that of ABC's John Scali who was picked by the Soviets to play a key role in diplomatic negotiations at the height of the Cuban missile crisis.

During the Kennedy years, Press Secretary Pierre Salinger deliberately set out to coordinate all important news of the executive branch because of the embarrassment of the Eisenhower Administration in the U–2 incident. Salinger said the Administration's response to that incident in 1960 was an "information catastrophe". Within hours of the time Francis Gary Powers was shot down over Communist Armenia, four different Washington press officers put out four different stories. We appeared to be lying in our teeth, as Salinger put it.

And so Kennedy's press officer formalized the clearance of top-level information at the White House level. He felt strongly that the President had a right to expect that his Administration would speak with one tongue and in support of his policies.

Christian told me he has abandoned the coordinating committee and holds no such meetings. He himself, is part of the important "Tuesday lunch" at the White House where top officials of the State and Defense Departments, CIA Director Richard Helms and one or two officials on the security staff may well reach some of our most important life-or-death decisions. Because he is part of this inner circle, Christian is not operating in a vacuum when he speaks.

Presidents Kennedy and Johnson have been more accessible to reporters than any of their predecessors. They have met with them privately and tossed their ideas around with the clear understanding that the views were not to be attributed to the President. Generally, this sort of thing does not happen in a period of crisis, however.

Ted Sorensen says Kennedy's general experience, particularly with the State Department and the Pentagon, was that those who knew, didn't tell and those who told, didn't know. Sorensen, who was Kennedy's right hand man, recalls that the late President's general rule was to say relatively little to a newsman in confidence, even off the record, that he could not afford to have published. President Johnson has followed the same practice.

PRESIDENT MOVES TO MODERNIZE OUR AUTOMOBILE INSURANCE SYSTEM

Mr. MONRONEY. Mr. President, President Johnson's consumer message is particularly notable for its proposal to launch the first nationwide study of America's automobile insurance system.

While every American must be concerned with automobile insurance—none can be completely satisfied with it. Consumer complaints have escalated as rapidly as insurance costs and cancellations.

Premiums have soared by as much as 30 percent over the past 6 years in some areas. Arbitrary coverage and unexpected cancellations are all too common—particularly for our minorities, the young and elderly, and the American serviceman. Automobile accident claims often result in grossly unfair compensation—as well as agonizingly slow payment. Courts are so clogged with automobile accident cases that the average claim takes from 2 to 3 years just to get to trial.

An enlightened nation can—and must—do better, for the problem has reached epic proportions.

The President's proposed study can lay the foundation for new legislation—to streamline and modernize an antiquated and inequitable system. I support such a study because it can be, in the words of the Baltimore Sun, of "immense value to the industry itself, to State insurance officials, and ultimately to all consumers."

I ask unanimous consent to insert into the RECORD the Baltimore Sun editorial along with an editorial in the Houston Chronicle praising the President's proposal.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Feb. 8, 1968]

CONSUMER LAWS

The President and Congress are playing "can you top this?" in the field of consumer legislation, and the consumer is the certain winner. Three times in the past three years Congress has improved on Administration proposals in the consumer protection field. This year the President has recommended the most far-reaching proposals ever. Among the many abuses he wants stopped are those involving unhealthy fish and poultry, various sales frauds, and unsafe pleasure boats. All invite legislation.

The President also recommends an investigation of the automobile insurance industry by the Department of Transportation. Certainly an investigation is needed. In recent years policyholders' complaints have escalated as fast as costs and cancellations have. A thorough, honest, nonpolitical study would be of immense value to the industry itself, to state insurance officials, and ultimately to all consumers.

[From the Houston Chronicle, Feb. 8, 1968]

SOMETHING FOR THE CONSUMER

The most recent message to Congress from the President, urging measures to provide broader protection for consumers, will probably receive more friendly attention than other presidential communications which have been delivered in this session.

The "consumer mood" built up in the last session and resulted in passage of the wholesome meat act, stricter control over flammable fabrics, establishment of a product safety commission, and a law to improve clinical laboratories.

Only last week the House overwhelmingly approved a truth-in-lending bill. In this election year, Congress can be expected to be even more consumer (voter) conscious than in previous sessions.

Included in Mr. Johnson's consumer message are new proposals to insure the sale of wholesome fish and poultry, to protect individuals from radiation from such items as color television sets, and to encourage safe boating.

The suggestion with the broadest appeal, however, is for a comprehensive study of the automobile insurance system which the President properly labeled a "mess." The search for ways to improve the system would be made by the Department of Transportation.

As the President pointed out, premiums have been steadily rising and in some parts of the country this has meant a 30 percent increase over the last six years. Another frequent complaint is arbitrary coverage and cancellations.

One local example of this is the man who was rear-ended three times through no fault of his own and the insurance company placed him in a high-risk pool with a fatter than normal premium.

Youngsters frequently find it hard to get insurance unless they use the same company which insures their parents. Cases have been reported in which insurance was denied because the applicants "lived in the wrong part of town."

Two law professors who have made a study of auto insurance contend that only half the money paid out in premiums comes back in benefits. They and other researchers have found that auto accident litigation has clogged the courts and these cases constitute 65 to 80 percent of the civil cases tried in U.S. courts each year.

The inequities and wastefulness in the existing system have been fairly well documented. The most important element of the proposed study should be to devise or determine a more equitable system. In this effort, it would be best if the insurance industry did some work on its own. To ignore or battle the study would be fruitless.

The goals Mr. Johnson has set in the consumer-legislation field are desirable and favored by a majority of the people. It remains to be seen if Congress will adopt effective and fair legislation to accomplish them.

SHELTERED WORKSHOPS FOR HANDICAPPED HURT BY MINIMUM-WAGE LEGISLATION

Mr. FANNIN. Mr. President, recently it was my privilege to address a nationwide conference of Goodwill Industries executives in Phoenix, Ariz. These men and women, who have for so long been engaged in the laudable work of trying to help people who want to help themselves, are now hampered by the minimum wage legislation enacted in 1966. Under the provisions of that legislation, passed by Congress, the minimum wage jumped 20 cents an hour February 1, and now stands at $1.60 an hour.

This legislation has had a predictable effect on organizations such as Goodwill. They have been forced to curtail their operations in many parts of the Nation and, indeed, right here in the Capital City.

Some of us saw this happening when the legislation was proposed, and tried to warn against it. But we were accused of being nonprogressive, or opposed to the welfare of the working man.

Mr. President, I quote from the views I recorded in connection with the Fair Labor Standards Amendments of 1966 in the Committee on Labor and Public Welfare:

I am concerned about the committee's action with respect to the operation of the Nation's sheltered workshops for handicapped people. At the very time our country is doing everything it can to offer more opportunities to the physically and mentally handicapped, to bring them into the productive work force of the Nation, we now are asked to approve legislation which will set the whole workshop effort back many years.

The vast majority of organizations which operate these special workshops are violently opposed to this legislation. The committee members received voluminous mail from the Goodwill Industries and other respected organizations, nearly all of it urging that these provisions on wages in workshops for our handicapped people be deleted.

These workshops are operated for the most part by local voluntary groups. They represent thousands of local leaders who have a sense of civic responsibility and a desire to help severely disabled people who have no place else to turn. These are nonprofit groups; they cannot pass higher wages along to the consumer. If we pass this legislation, we will force to the wall many fine local workshops whose only mission in life is to help people in distress. After that we can expect to pay for our mistake in the form of more Federal funds to care for these people whose work opportunities have been destroyed.

Unfortunately, Mr. President, the predictions I made then have now come true.

I have collected a series of newspaper editorials and accounts that give some of the impact of the minimum wage legislation. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Feb. 5, 1968]

SOCIALLY REGRESSIVE

On Feb. 1, the federal hourly minimum wage jumped 20 cents to $1.60 an hour.

Whereupon Congress paused to pat itself on the back for its humanitarianism in passing the law last year. Organized labor congratulated itself for having exerted sufficient pressure to insure passage of the law. And those without even a rudimentary knowledge of economics hailed what they considered to be a socially progressive measure.

In fact, the minimum wage law is neither humanitarian nor progressive. On the contrary, it is not only reactionary, in that it contributes to unemployment. But—as economics Prof. Milton Friedman has pointed out—the law "is the most anti-Negro law on our statute books—in its effect, not its intent."

"The greatest help we can give the Negro today is to repeal the statutory minimum wage," said Prof. Yale Brozen of the University of Chicago. And W. Allen Wallis, president of the University of Rochester, has described the law "as anti-Negro in its effects as its advocates are pro-Negro in their intentions."

What happens when the minimum wage is boosted by law is that the unskilled (i.e., the low-paid) are affected. Those who remain employed will receive higher wages, but fewer will be employed.

And the overwhelming majority of unskilled workers are Negroes, particularly Negro teenagers. Therefore, by discouraging employers of marginal businesses from hiring them, the law forecloses opportunity for them to learn the on-the-job skills which would enable them to earn far more than the statutory minimum.

Before the minimum wage was raised to $1 in 1956, unemployment among Negro boys (14 to 19) was around 8 to 11 per cent, approximately the same as among white boys. Within two years after the raise, that figure shot up to 24 per cent for Negro boys and to 14 per cent for whites. Both figures have remained approximately the same since.

Prof. James Tobin, a member of President Kennedy's Council of Economic Advisers, acknowledges that poor people who lack the capacity to earn a decent living need to be helped. But he noted that the most likely outcome of minimum wage laws is that the intended beneficiaries are not employed at all.

In other words, what the law does—despite the humanitarian goals of those who support it—is to lower the wage to zero for a great many people. And as Professor Friedman has said, "It has always been a mystery to me to understand why a youngster is better off unemployed at $1.60 an hour than employed at $1.25."

[From the Washington Post, Jan. 16, 1968]

GOODWILL LAYS OFF 99, CITES $200,000 DEFICIT

(By Carol Housa)

The Davis Memorial Goodwill Industries here will lay off 99 workers, most of them handicapped, to cut costs and help pay off a $200,000 deficit, executive director Richard A. Nelson announced yesterday.

The 99 employes, whose last working day will be Jan. 26, represent nearly a fourth of the Goodwill staff here. They include 60 handicapped persons and 39 regular employes earning an average wage of $1.89 an hour. Three are severely handicapped persons earning 80 cents an hour.

Nelson told a news conference that 99 workers were being "furloughed," or temporarily laid off until the agency can afford to hire them back.

He said Goodwill faced a choice of laying

off the 99 employes or shutting down its operations and putting more than 400 persons out of work. The layoffs will save about $5000 a week in wages, he said.

Nelson blamed declining retail sales, lower salvage profits and rising costs and wages for Goodwill's $200,000 deficit.

The agency's 14 metropolitan area retail outlets face competition from discount stores offering inexpensive new merchandise, as well as from other second-hand stores, he said. Monthly retail sales have dropped from $85,000 to $90,000, compared with the earlier normal of $120,000 to $130,000.

Goodwill has applied to the Health and Welfare Council for a share in the proceeds of the 1968 United Givers Fund.

"Our chances are rather slim," said Nelson. He said the Council had told Goodwill it did not have enough money for its existing agencies.

The Goodwill director appealed for donations of cash and usable goods, but noted that the agency could not continue to pick up items so costly to repair that they could not be sold at competitive prices.

Nelson also asked businessmen for contract work on seasonal, emergency or "nuisance" jobs such as packaging, collating and mailing. He said the agency has set up a contract work department because it can no longer support itself on the refinishing and sale of donated goods.

The layoff will affect eight of the contract department's 21 employes, according to manager Hosea Price. Two are mentally retarded workers paid the sub-minimum 80-cents-an-hour wage who cannot keep up production with other handicapped employes. The department could rehire the laid-off workers if it gets more business contracts, Price said.

Nelson said Goodwill's personnel office would attempt to find new jobs for the laid-off employes, but said most would have to seek welfare grants.

[From the Philadelphia Inquirer, Jan. 22, 1968]

HANDICAPPED FACE JOB LOSS OVER NEW MINIMUM WAGE

Social service agencies that provide jobs, training and rehabilitation to the handicapped said Sunday they face a financial crisis because new federal wage minimums now apply to handicapped workers. A spokesman in Washington said Goodwill Industries may be forced to lay off some of its more severely handicapped workers because of the wage requirement.

Other agencies are expected to decide whether to cut from their rosters the severely handicapped or seek subsidies from outside sources and continue their employment.

MINIMUM WAGE $1.60 AN HOUR

In the Philadelphia area, 15 agencies employing thousands of handicapped persons have been hit hard by the new minimum and its wider application.

The problem arose when Congress, in raising minimum wages—which become $1.60 an hour beginning next month—ruled that handicapped workers must come under the minimum wage rule.

Until recently sheltered workshops operated by the agencies have been allowed to pay workers according to their production.

A person who was able to produce at a rate of 70 percent of normal was paid 70 percent of the normal wage.

SUPPLEMENTS URGED

Under the old system, the average handicapped worker earned about $1 an hour.

Last fall the Labor Department recommended the payment of Federal wage supplements to workshops that employ the handicapped.

The Goodwill Industries spokesman said, however, that no action has been taken to provide such supplement.

Goodwill President Eugene Caldwell said, "The rise in wage rates is in keeping with the Goodwill Industries philosophy of doing the most possible to provide full lives for handicapped people.

"But individual productivity has not increased at the rate of the required wage increases . . . and our program cannot apply labor-saving devices or other techniques to keep pace with the rate of wage jumps."

HANDICAPS MORE SEVERE

Roger Davis, executive director of the Philadelphia Goodwill unit, said that in recent years his organization has hired workers more severly handicapped than the Goodwill employes of 10 or 15 years ago.

The worker of today, he said, is less able to keep up with full production and, subsequently, draws less salary.

Davis added that his organization concerns itself with training a person for eventual employment by private industry rather than providing him with a permanent Goodwill job.

"We're not in any way against minimum wage laws," Davis declared.

CONSEQUENCE WEIGHED

He said that under the new system Goodwill might have to drop workers and that they might have to go on public welfare.

In the Philadelphia area, Goodwill Industries employs about 1500 persons each year, Davis said. He said he didn't know how many were jeopardized by the new regulations.

Saul Leshner, of the Jewish Employment Vocational Service, said his organization would either have to price its work contracts higher, which would pit it against private industry, or turn to the community for financial aid.

PAY INCENTIVE USED

Leshner said none of the workers would be cut because "we're in business to work with individuals for their welfare. Our policy as a community agency is to serve those who need us most."

"We are well aware that people need more money to get along on than what we pay them," Leshner said. "But we're not in the business of exploiting our clients."

He said the JEVS uses wages as an incentive for workers.

"As they respond to the incentive, our first objective is to get them out of the shop and into competitive industry," he said.

He added that the organization had set a floor of 35 cents an hour for workers, but even at this low rate JEVS has to subsidize wages by about $10,000 a year.

JEVS employs 750 to 850 a year at its shop at Wayne and Windbrim aves., in North Philadelphia.

[From the Wall Street Journal, Jan. 23, 1968]

INSTITUTE LAYS OFF HANDICAPPED WORKERS DUE TO PAY-FLOOR RISE—WORKSHOPS OF NONPROFIT FIRM, GOODWILL INDUSTRIES, SAY DISMISSALS ARE CONSIDERABLE

(By Byron E. Calame)

LOS ANGELES.—Some of Goodwill Industries major local workshops around the country say they've had to lay off considerable numbers of handicapped workers due to the increase in the Federal minimum wage slated for Feb. 1.

Goodwill Industries is a nonprofit institution with workshops in 135 cities employing handicapped persons, largely in the repair of used clothing and household articles for resale. Its activities are conducted essentially for training and rehabilitation.

The Federal minimum wage is being boosted to $1.60 an hour from $1.40 on Feb. 1 in the second of three increases that will bring the minimum wage to $1.80 an hour next year. "Sheltered" workshops that employ the handicapped can pay as little as 50% of the regular minimum wage, but the Labor Department is requiring that they match the percentage increase on all their wages.

Philadelphia's Goodwill has laid off between 80 and 100 of its 400 handicapped workers, according to Roger P. Davis, executive director. In Washington, D.C., the local Goodwill has furloughed 99 of its 450 handicapped employes, a spokesman says. The Portland, Ore., Goodwill says it has trimmed its handicapped employes 7% from the past year in anticipation of the boost in minimum wages.

Robert E. Watkins, national executive vice president of Goodwill Industries, declines to estimate the total number of handicapped workers who might have to be laid off by the organization's 135 local workshops. These workshops normally have about 20,000 handicapped workers on the job. Over a year's time the workshops employ a total of about 50,000 handicapped persons.

TYPES OF HANDICAPPED WORKERS

Officials say Goodwill Industries is employing more and more mentally and emotionally handicapped persons who aren't able to produce as much as the physically disabled who once constituted the bulk of its employes.

An analysis of the handicapped persons on the payroll of all Goodwill Workshops during one payroll period in 1966 showed the percentage with some neurological, mental or social affliction rose to 42% that year from 32% in 1960. In the same period, the percentage of crippled and deformed persons dropped to 15% from 20%. At the big Los Angeles Goodwill, the "invisibly" handicapped account for 42% of its employees, up from a mere 9% in 1955.

"Industry now has recognized the ability of the physically handicapped," says Philadelphia's Mr. Davis. "They are generally educated and easier to rehabilitate," he notes, "and are readily hired. But now we're working with multiple-handicapped persons whose mental retardation or emotional illness makes them difficult rehabilitation problems and often less productive as well."

COSTS INCREASE

Mr. Davis says that the Philadelphia Goodwill now has to employ two or three of these more severely handicapped workers to accomplish the same amount of work that one physically disabled worker used to do. But if the wages of these severely handicapped workers have to be increased 15% across the board, Mr. Davis warns that Goodwill will just have to quit trying to employ the most severely handicapped.

At the same time they're faced with hiring less productive workers, Goodwill workshops have had to cope with the increased costs associated with the rehabilitation of the more severely handicapped workers. For example, Goodwill rehabilitation staff salaries in Portland have shot up to $140,000 a year from only $25,000 a year ago, despite the 7% decrease in handicapped employes, according to Marion Smith, executive director.

Richard Nelson, executive director of the Washington, D.C., Goodwill, emphasizes that the coming 15% increase in wages wasn't the sole cause of the layoff of 99 handicapped workers there. He mentions the higher cost of training and evaluating the severely handicapped, a decrease in sales through Goodwill's second-hand stores and a lower quality of the materials contributed to the Goodwill there. In addition, he notes that discount stores have cut sharply into the Goodwill's business and that all but 49 of the workshop's 200 collection boxes have had to be pulled off the streets of Washington because they were being pilfered.

[From the Washington Post, Jan. 27, 1968]

POTOMAC WATCH: CRISIS FACES GOODWILL INDUSTRIES

(By William Raspberry)

A used furniture dealer buys discarded furniture, does little or nothing to it, and

sells it for enough to pay his help and make a profit.

At Goodwill Industries, they get their merchandise free, pay their handicapped employees to fix it up, and then find that they can't sell it at prices competitive with those of the used furniture merchants.

And this is one of the main reasons that Goodwill is slowly going out of business. The agency, the area's biggest rehabilitation center for the handicapped, is faced with a $200,000 deficit and has been forced to lay off 100 handicapped workers, most of whom probably will have to go on relief.

Officials, bemoaning the agency's financial straits, talk about inflationary spirals, declining salvage markets and escalating minimum-wage standards. But these are secondary problems. The key one is that Goodwill is no longer competitive.

The reasons are partly administrative, partly philosophical.

"The junk stores don't do anything to their stuff," explains Richard Nelson, executive director of Davis Memorial Goodwill at New Hampshire Avenue and M Street nw. "They just bring it in and sell it as is. But we're not basically a second-hand store. Our reason for existence is to train people, and that includes training them to repair donated items."

Take a case where someone donates a used sofa to Goodwill. A driver and a helper have to go out and pick it up, other men have to handle it on the loading dock, someone has to clean it up, refinish the woodwork, repair the springs and perhaps even reupholster it.

At each step of the operation someone is learning a skill. But also at each step someone has to be paid for his labor. The result may be $50 in labor and materials, and that sets a minimum price for the sofa. There may be no profit at all.

A second-hand dealer might buy the same sofa for $5 and sell it for $15 or $20. Even after deducting his labor and handling costs, he comes out with a profit.

This is no news to Nelson. "Oh, we could make money here all right," he said. "If somebody said to run this as a junk shop, I'd make a million. The first thing I'd do would be to fire all the handicapped workers."

And that, really, is the crux of the matter. Used-furniture stores are designed to make a profit. Goodwill is designed to provide jobs and training. The two are becoming increasingly incompatible.

There are other problems. The increased minimum-wage standards that go into effect next month will be an added burden to Goodwill, even though the Labor Department has granted exceptions to the wage requirements for certain handicapped workers. And when increases go to those workers at the bottom of the scale, the effect is felt at the top. (When a worker who was paid $1.25 an hour goes to $1.40, the former $1.40 worker has to be raised to maintain the differential.)

Another problem is the declining quality of items contributed to Goodwill. They used to get worn-out but good furniture from middle-class homes. Now they get mostly worn-out items that were junk even when they were new.

"I think what's happening is that they are selling their best discards to the second-hand stores and giving the rest of it to us," Nelson said. "Most of it is irrepairable. Some time we're just hauling people's junk away."

Some goods that can be repaired aren't worth it, he said. He recalled the time someone gave Goodwill a used steam iron. "We bought some parts and repaired it. The actual cost of labor and material was just about $6, so we priced it at $5.95. It happened that the same day we put it on sale, a local discount house had a brand-new iron for $5.95."

That introduces yet another problem: Competition from discount houses and credit furniture stores.

As Nelson sees it, his alternatives are to:

Transform Goodwill into a purely training operation, with Government and other agencies picking up training costs so that it would be unnecessary to rely so heavily on sales.

Get out of the retail business altogether and devote more effort to contract work—using handicapped workers to fill seasonal, emergency or "nuisance" orders, like stuffing envelopes and assembling mailings.

Nelson seems to be pinning his hopes on the latter, but some contract workers were among those laid off. Nor has he assigned anyone the chore of drumming up more contract work, relying instead on the informal efforts of members of his board.

It may be that Goodwill's future rests in contract work; it may be that large Federal subsidies or increased citizen support are the answer, or it may be that a proper mix of junk shop and training center can bail Goodwill out of trouble.

In no case, however, should the community permit Goodwill to close its doors to the handicapped merely because it isn't making money.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

INTERFERENCE WITH CIVIL RIGHTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro temproe. Without objection, the Chair lays before the Senate the unfinished business, which the clerk will state.

The BILL CLERK. A bill (S. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The Senate resumed the consideration of the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a quorum call not to exceed 10 minutes, and that I do not lose the floor in the meantime.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUESTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending Mondale amendment occur at 2 o'clock p.m. on Monday next.

Mr. ERVIN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending Mondale amendment occur at 2 o'clock p.m. on Tuesday next.

Mr. ERVIN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President, I will send to the desk shortly a motion on cloture.

The pending measure has been before the Senate for over a month. It is neither presumptuous nor precipitate, in my opinion, to ask at this time whether the debate has been adequate—whether the issues have been fully developed and explored. The cloture motion simply asks these questions.

Admittedly, use of cloture is not commonplace. The very fact that it requires 3 legislative days to execute makes it extraordinary. Most major bills are passed in far less time than that.

By suggesting that the debate be limited through cloture, I do so with the sincere belief that the time has long since arrived when positions have been firmly fixed and the continued frustration of the legislative process serves only to jeopardize equally important proposals that lie dormant in Committee in the wake of this endless debate.

This bill, H.R. 2516, has virtually been the Senate's only business this year. The debate has lingered for over a month; an impasse has existed since early in the discussion. Honest efforts have been made to accommodate the differing attitudes but without success. The issue must be met in its present posture.

During the past month, the Senate has decided only one issue in relation to this bill but that issue was of great significance. Last week, the Senate voted overwhelmingly to reject Senator ERVIN's substitute for the committee bill. The rejection of the amendment was significant but even more so was its offering. To offer an alternative in the form of an amendment is predicated upon the need for positive legislative action. The issue was thus quickly reduced to choosing between the alternate methods of meeting the legislative need. The vote tabling one of the alternatives can only be interpreted as a judgment by the Senate that the committee bill presents the most favorable approach.

The criticism that the committee bill offers special treatment to a special few is without foundation. The bill grants no rights that do not already exist. The bill, after exhaustive consideration in committee, was drawn carefully and limits severely the Federal authority. It is a simple proposal. In essence, it merely permits a Federal prosecution—rather than a prosecution in the county courthouse—but only where the Federal involvement is absolutely essential to insure substantial justice—a need demonstrated repeatedly in cases of crimes committed against the free exercise of already guaranteed rights. In fact, the bill goes to great lengths to preserve the current balance in the Federal-State judicial system—permitting the Federal prosecution when, and only when, the climate in a local community unmistakably requires such a Federal role if justice is to be done.

I would point out that even before the measure came to the Senate, the other body supported it by the overwhelming vote of 326 to 93, with 161 Republicans joining 165 Democrats to assure passage.

On a percentage basis, therefore, more

Republicans in the other body voted for this measure than did the Democrats.

That action demonstrates not only the overwhelming support for the principle of the Hart bill but also the bipartisanship of that support.

To devote 1 month to any bill seems to me an overly generous allotment of the time available in any legislative session. But to devote that much time and then fail to reach the merits of the proposal is not only wasteful but ridiculous as well. A dispositive vote on the merits is the only justification for such an emphasis; especially in view of the fall-out effects on the entire legislative program. While a debate of this nature takes place, other important measures are simply forced to linger in committee or on the calendar. Their frustration gives but an added reason for bringing this issue to a head.

The opportunity for all Americans to have the freedom of choosing a home has long been sought. The return of this long sought issue to the debate in no way alters the present situation and the need for final action. The other body met the housing issue 2 years ago and here in the Senate the proposal was debated week after week. There have been exhaustive hearings and the record is amply documented. The Senate should at long last be afforded the opportunity to face it upon its merits.

In short, an inordinate amount of time has been devoted to this measure; no end to the debate is in sight. Significant legislative proposals lie frustrated. Each Senator understands fully the merits of the pending measure; I am sure each has decided how to vote; in such circumstances each Senator should be permitted to vote his conviction rather than continue this exercise in futility that seriously detracts from the effectiveness and the dignity of this body.

Under these circumstances, Mr. President, I call up the cloture motion, and I urge that, at the appropriate time, the Senate approve it.

Mr. KUCHEL and Mr. JAVITS addressed the Chair.

Mr. MANSFIELD. Mr. President, I would rather have the motion brought up before I yield.

The ACTING PRESIDENT pro tempore. The clerk will read the motion.

The bill clerk read the motion, as follows:

MOTION FOR CLOTURE

We the undersigned Senators, in accordance with the provisions of Rule 22 of the Standing Rules of the Senate hereby move to bring to a close the debate upon the pending business, H.R. 2516, an act to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

MIKE MANSFIELD, JENNINGS RANDOLPH, CLAIBORNE PELL, WALTER F. MONDALE, PHILIP A. HART, FRANK CHURCH, WILLIAM PROXMIRE, DANIEL INOUYE, EDMUND S. MUSKIE, STEPHEN M. YOUNG, Ohio, ROBERT KENNEDY, New York, STUART SYMINGTON, CLIFFORD P. CASE, GEORGE D. AIKEN, T. H. KUCHEL, LEE METCALF, GALE W. McGEE, ERNEST GRUENING, J. JAVITS, JOSEPH S. CLARK EDWARD KENNEDY, Massachusetts, HUGH SCOTT, MARK O. HATFIELD, HENRY JACKSON, HARRISON WILLIAMS, New Jersey, VANCE HARTKE, JOHN SHERMAN COOPER, CHARLES H. PERCY, ROBERT P. GRIFFIN.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that other Senators may be permitted to sign the cloture motion until the close of business today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Now I yield to the Senator from California.

Mr. KUCHEL. Mr. President, I rise simply to indicate that this is a bipartisan effort; that the cloture motion today is signed by Democratic Senators and by Republican Senators. Every charge that the able leader of the majority party made this morning is correct. The U.S. Senate in this session has come up with a miserable beginning. I want to salute my friends on the Democratic side and on my side who have manned the ramparts during these past few weeks in an effort to give the Senate an opportunity to vote upon this legislation, as well as other amendments which are pending.

I hope cloture will be invoked by the Senate, and that we will then proceed as the distinguished Senator from Montana has asked us to proceed.

Mr. MANSFIELD. Mr. President, for the purpose of clarification, on the basis of the cloture motion being laid down today, when will the motion be voted on?

The ACTING PRESIDENT pro tempore. The rule provides that the motion will be voted upon 1 hour after the Senate meets on the following calendar day but one. If the Senate meets on Monday next, it will be voted on 1 hour after the Senate convenes on Tuesday.

Mr. MANSFIELD. I thank the Chair. I yield now to the Senator from New York [Mr. JAVITS].

Mr. JAVITS. I thank the distinguished majority leader. I shall, of course, finish quickly. The Senator from Michigan [Mr. HART] wishes to be recognized. I join the Senator from California [Mr. KUCHEL] in what he had to say about the nonpartisanship of this effort, and I think the majority leader's motion is absolutely proper, justified, and due. Nineteen out of the 36 Republicans voted in favor of the motion to table the amendment of the Senator from North Carolina [Mr. ERVIN], which was the first expression of view on this matter. Two additional Republican Senators declared themselves in favor of the motion to table, making 21 out of 36 Republicans in favor of the motion. I think that indicates widespread support on this side of the aisle.

May I ask the majority leader whether it would now be in order for Members of the Senate who have any amendments pending, or who have additional amendments to qualify, to have them laid on the desk and read, or to obtain unanimous consent to dispense with having them read to the Senate, so that they may qualify for consideration if there is cloture?

Mr. MANSFIELD. That is my understanding, but again, I would refer the matter to the Chair to make absolutely certain what the status of the amendments to be offered is.

Mr. JAVITS. If the Senator will amend that, including the pending amendment of Senators MONDALE and BROOKE.

Mr. MANSFIELD. With that amendment.

The ACTING PRESIDENT pro tempore. Without objection, all amendments will be qualified under the rule.

Mr. JAVITS. Mr. President, all amendments which are printed; or what is the ruling?

The ACTING PRESIDENT pro tempore. All amendments that have been submitted and printed will be qualified under rule XXII.

Mr. JAVITS. I thank the Chair.

Mr. President, just one last question.

Mr. BYRD of West Virginia. Mr. President, may we have order so we can hear the questions and answers?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senate is not in order.

Mr. JAVITS. Mr. President, may we——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, does the Chair refer to amendments which have been printed or which will be printed between now and Tuesday?

The ACTING PRESIDENT pro tempore. All amendments which have been printed heretofore. There will have to be a unanimous-consent request as to all future amendments, or they will have to be read.

Mr. JAVITS. Mr. President, just one other question. Is it now a fact that we face realistically what so many of us have always argued—that, in the final analysis, it takes a two-thirds vote of those present and voting in order to act in the Senate, notwithstanding the general public understanding and the constitutional provisions with respect to a majority? As a practical matter, in order to act in the Senate, we now face the fact that we need a two-thirds vote, and it is important that both our colleagues and the people understand this, because it is necessary to bring Senators with deep convictions on the subject here so they will be here Tuesday and will be able to vote and the issue will be determined by their understanding of the facts.

Mr. MANSFIELD. Yes. The rule states that it takes two-thirds of those present and voting to invoke cloture, and it is my intention to send telegrams to every Democratic Senator urging him to be here all next week.

Mr. JAVITS. I thank my colleague. May I say here, if the majority leader will allow me, that I have gotten the most enormous pleasure and satisfaction from the work of Senator HART in the handling of the bill. I think the manager of the bill is entitled to enormous tribute for, as Senator KUCHEL has said, occupying the long spaces which have gone on, which could not have been done if he were a lesser man.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Michigan [Mr. HART], the floor manager of the bill now pending, who has shown such patience and understanding in the 5 weeks in which he has had control of the measure.

Mr. KUCHEL. Mr. President, will the Senator from Michigan yield for 30 seconds?

Mr. HART. I yield.

Mr. KUCHEL. I join in every syllable expressed by the Senator from New York

[Mr. JAVITS] as to the part the Senator from Michigan has played.

Mr. HART. I thank the Senator from California very much.

First I thank my leader and the Senator from New York, as well as the Senator from California, for their kind comments. I should like to use the same adjectives the Senator from New York has used to express my appreciation to the majority leader for his patience and understanding. I thank him, as did Senator JAVITS, for the effort he made to permit the Senate to have an up-or-down vote on the pending amendment. I regret very much that such an opportunity was denied us. "Denied" may be the wrong word, because the able Senator from North Carolina was acting quite within the rights accorded him under the rules of the Senate. My quarrel and criticism is with the rules and not with the Senator from North Carolina.

As the able majority leader said, it is ridiculous—that is the word I believe he used—that after these long days of debate we cannot have a vote up or down on the merits of the bill and amendment. The majority should be permitted to work its will. Again, I congratulate the majority leader for the clarity of his arguments in support of this committee bill and the housing amendment; I thank him and the able senior Senator from New York [Mr. JAVITS], and the minority whip [Mr. KUCHEL] for their support and kind words.

I do not, nor do any of us, have any illusion that the majority is always right. Majorities make mistakes on occasion. But to deny the majority the opportunity after weeks of debate to act on the merits buys even greater trouble than to accept the occasional mistake of a majority. History is replete with that lesson.

The next time we talk about changing rule XXII, let us keep clearly in mind the danger, in a society such as ours, that the Senate, one of its principal institutions, on critical occasions, finds it is not possible to permit the majority to control its actions.

Mr. HOLLAND. Mr. President, I wish first to call to the attention of the Senate, and to have it appear in the RECORD, that the cloture motion just filed applies not only to the pending Hart bill, but also to the pending amendment to that bill, the open-housing provision, and to other amendments already offered and read, as well as to amendments that may be offered and read between now and the time of voting on the cloture motion.

I wanted to call attention to that at this time because it seems to me that, in addition to the original Hart bill, we have before us a major measure which the Senate refused to vote upon and consider only 2 years ago, the pending amendment offered by the junior Senator from Minnesota [Mr. MONDALE] and other Senators, which in effect would require what is called open housing, applicable to all private housing, rental housing, and multiunit housing throughout the Nation, with only one very minor exception.

Mr. President, adverting to the bill, it appears that every time any Senator from the portion of the Nation which I have the honor to represent in part, called the Southland, gets up and says anything, his statement seems to be immediately subject to some suspicion; there seems to be some feeling that it is not worthy of much attention; and the press pays no attention to it except in our own States. That is a situation which, whether properly or not, we have gotten used to and are accustomed to. We make no complaint about it.

But because of that situation, and because of the fact that both the press and many Members of the Senate promptly forget what many of us who are strongly opposed to the pending legislation, and particularly to the pending amendment, propose or say, I am going to quote today, for the RECORD, statements of some others whose opinions I think are entitled to be considered respectfully by Senators, and I hope they will do so.

First of all, I leave our country, to quote a distinguished man who happens to be a full-blooded Chinese. At this point I think it is helpful to quote the viewpoint of a distinguished citizen of another nation who looks with affection upon our country and has written down his ideas in a notable book published last fall under the title "The World of Pat Chung." Those of us who have not read that book ought to do so, because here is truly a world citizen, with a tremendous record of accomplishment, writing not only about the particular matter with which we are now engaged, but about many other world problems; and so far as I am concerned, I respect very greatly his opinions, and have been glad to read them.

The writer is Patrick Wilkinson Chung, who was born in British Guiana in 1906 of poor, Chinese immigrants. Later he became an insurance underwriter—one of the largest if not the largest in the world—and a developer of real estate. He moved to Jamaica in the 1930's.

Mr. BYRD of West Virginia. May we have order, Mr. President?

The ACTING PRESIDENT pro tempore. Will the Senator suspend while the Chair tries to obtain better order?

Mr. HOLLAND. Mr. President, I would appreciate some courtesy from the back rows in the Chamber. Even if those Senators do not care to listen, they can at least show some courtesy.

The ACTING PRESIDENT pro tempore. The Senate will be in order while the Senator from Florida continues his speech.

The Senator may proceed.

Mr. HOLLAND. Mr. President, as a man of oriental ancestry, born in the British colony of British Guiana in 1906, a minority citizen for many years of Jamaica, now an independent commonwealth, and in many respects a citizen of the world, he is shown in the book to be a strong friend and admirer of the United States and, I think, an observer who can state some worthwhile ideas with reference to the problems of the Negro minority in our country and the policies of our Nation relative to the Negro minority.

Incidentally, a part of his foreword, pages 7 and 8, reads as follows:

To put it crassly and directly: God knows I have sold enough insurance in my time, and enough real estate, and enough of other things; now I feel the time has come for me to try to sell more intangible and more important commodities, such as human love and understanding and common sense, and perhaps, an idea or two.

I quote, therefore, from his book, from pages 251 to 256, inclusive.

Mr. President, generally I do not like to quote at length, but here is an expression on the point we are talking about—racial relations in the United States—from a world citizen, a world traveler, a man who has come up to great success from the most humble beginnings, as a member, always, of a minority group; and I think it is worth while to listen to him.

He says:

Every nation on earth has a history of persecuting its recognizable minorities, and the United States is no exception. When the Chinese first came to the West Coast, to help build the western section of the transcontinental railroad, they were abused and insulted because they were regarded as cheap competitive labor. Riots occurred in San Francisco and injustices were perpetrated, but the Chinese remained and endured and, eventually prospered. They earned the respect of the community, and some of San Francisco's most treasured citizens are Chinese. The city even has a Chinese postmaster.

The Irish also had their troubles. Nativist thugs and Protestant bigots persecuted them for their religion, burned down convents and churches, stoned priests and nuns to death. The Irish fought back and overcame their tormentors. They ended up seizing, through lawful methods, political control of the communities in which they were so widely abused.

The Italians, the Poles and the Latin Americans have all, in varying degrees, had cause for serious complaint at their treatment but endured and lived to see better days.

None of these minority groups was given anything like the help that the negro has been given. Their assimilation took place long before the day of the billion-dollar social programs. They helped themselves and they helped each other and they carved their niche in American life the hard way.

Over the years, negro leadership has been deficient. The negro press, which could have been an enormous force for good, has been shoddy, destructive and often venal. Talented negroes who have made a success in the white man's world—doctors, lawyers, scientists, merchants—have shown more inclination to maintain their fingerhold in the white society than they have to go back and work among and help their own people.

The negro population of the United States—roughly 13 percent of the whole—has suffered mightily from this power vacuum at the top. Into the vacuum have rushed the loud-mouthed irresponsible firebrands, the professional agitators, the Communist *agents provocateurs*, the demagogues who preach hatred, rapine, murder and black power.

Even those leaders who began their careers as responsible men, like Nobel Prize winner Martin Luther King, have shown alarming tendencies toward extremism when they felt they were losing their influence among their followers. The most responsible and moderate of all negro leaders, Roy Wilkins, of the National Association for the Advancement of Colored People, has been shunted aside and ignored by the wave of hysteria that has engulfed the noisiest elements in the negro community.

It is my opinion that the American political leadership has been far too indulgent to-

ward this irresponsible negro leadership. It is unfair to the responsible negroes, who make up the vast majority of the community, and are injured by the excesses of the firebrand minority. If a white demagogue were to make the same kind of anti-negro inflammatory speeches that the black demagogues make against the whites he would be pounced upon by the Federal authorities and led away to durance vile. The white power structure lets the negro agitator get away with it, and the negroes regard this as proof of the white man's weakness. Thus far, "whitey's" restraint has merely encouraged the negro demagogue to even more criminal excesses.

Some of the indulgence toward the negro has been caused by a feeling of guilt and compassion among American leaders, but far too much of it has been inspired by the crassest kind of political considerations. Millions of negroes have migrated northward from the deep South and have clustered in the big northern cities. In many of these cities they now hold the balance of political power, especially as white urban dwellers have foolishly moved out of the cities, abandoning them to negroes rather than running the "risk" of living next to them. More than any other segment of the American populace, negroes vote as a bloc, pretty much the way their leaders tell them to vote. Since control of the big city vote is essential to the success of the Democratic Party in America, the negro has been courted by Democratic politicians to an almost painful degree. More than 90% of the negro voters in America are Democrats.

I would not dream of setting myself up as an expert in American politics, but it does seem to me that the gambit of over-indulging the wrong kind of negro has backfired. The population of America is still 87% non-negro, and the non-negro is showing ample evidence of the fact that he is sick and tired of being threatened and bullied by an irresponsible minority among the negroes. They demand more aggressive protection from their political leaders and, if they do not get it, they will make their anger known at the polls.

Ironically enough, the Democrats seem to get little or no thanks from the new breed of negro leader. Lyndon Johnson, for either compassionate or political reasons, has tried to do more for the negro than other President in American history, with the exception of Abraham Lincoln. Yet, in Detroit, in New York, in Newark, in Atlanta, in San Francisco and in scores of other American cities, negro demagogues have called him the vilest of names while their supporters cheered themselves hoarse.

In Washington, D.C. recently, less than a mile away from the White House, a negro firebrand, out on bail that morning on charges of inciting a riot, illuminated his hour of freedom by calling Lyndon Johnson, a "mad, wild dog" and an "outlaw" and urged his cheering audience to burn down the city and shoot their white "oppressors." The police shrugged their shoulders and contented themselves merely with keeping reasonable order among the natives.

It could well be that in the 1968 elections the negro will desert the Democratic Party either by boycotting the elections entirely, or by forming a splinter party of their own. It should be remembered that the only negro U.S. Senator, and the first member of his race to be elected to the Senate since reconstruction days, is the brilliant and outstanding Edward Brooke, a Republican who is eminently reasonable on racial matters. The new breed of negro leaders level violent verbal attacks upon any member of their race who makes a success in the white world. All such successful negroes are labeled as "Uncle Toms."

The negro unrest in the United States has got out of hand, and will continue out of hand, unless stern counter-measures are undertaken. No nation should be subjected to the kind of disorder that has paralyzed and terrorized the cities of America, the most powerful nation in the world, in recent years. It is obvious that these riots have been well-planned and have been synchronized by central planners, probably agents of the Communist conspiracy. Riots must be put down with sufficient severity to discourage their occurrence elsewhere, and the principals responsible for them should be hunted down and punished expeditiously and severely, through due process of law. The Federal Government must make it clear to the irresponsible elements that it will stand no more nonsense from black or white citizens.

During the past 10 years the Federal Government has spent approximately $300 billion on programmes to benefit the poor, the unemployed, the ignorant, the ill. Most of that money has been spent on the negro population, but the more the money has been spent, the more the rioting grew. Detroit has received $100 million in six years for its urban renewal program—building better living quarters for the poor, and especially for the negroes—and this is where the riots are worse.

Too many negroes have been told by their demagogues that they "deserve" everything their hearts desire and there is no need for them to work to earn the luxuries of life. One of the leaders of the Detroit riot said that the widespread looting was planned and encouraged so that "his people" could steal and take away items which they could not afford to buy, such as colour television sets! He regarded it as inherently right for the negroes to do this. It did not seem important to him that millions of white and negro Americans, hard working and responsible, cannot afford colour television sets, but have no intention of breaking windows and stealing them out of stores.

For too long negro demagogues have been telling the most volatile and least responsible elements of their people that all their troubles are caused by imaginary injustices perpetrated by the white man. Most of the injustices never existed but, no matter, it gives the ne'er do well an excuse for his inherent inadequacy and a "justification" for committing wholesale theft.

This kind of gravely reprehensible teaching must be counteracted. The young negro is being told that he "deserves" executive jobs with executive salaries, without having had the education necessary for such advancement, or without having the sense of responsibility which must accompany executive position.

America, to a great extent, is in danger of being spoiled by its own success. Her technological advances have made life remarkably easy for many of her citizens, and, as a result, fewer and fewer Americans are willing to work hard to achieve an improved standard of living. Too many Americans of every ethnic strain are mesmerized by the "easy way" to gain success. This is apparent in almost every field of endeavor.

Work is indispensable to the individual and to the nation. Man needs it, not only for his economic and artistic success but for the preservation of his personal integrity. America's success, the most astonishing success of any nation on the face of the world, was built on a prodigious national talent for hard work. If she throws away this priceless heritage upon the altar of limitless welfare programmes, limitless give-away schemes, limitless plans for withering away incentives, she will lose her position of dominance among the countries of the world and become once again a second class nation. She could even become a vanquished nation.

Americans must realize that there is not—and never was—any such thing as a free lunch. Everything we get in life must be earned and paid for in one way or another. Nothing, but nothing, is given us free of charge.

The negro, especially, must learn this truth.

The vast majority of negroes in America are decent, hard working, middle class people who have made their way in the white man's world, often against stupefying odds. They know that conditions are far, far better than they were when they were young. They are proud of what they have achieved through hard work and intelligence, and they resent the mindless violence and unreasoning uproar caused by the least intelligent element of their race.

The riots in 1966 and 1967 took place in negro sections of American cities. The negroes burned up their own homes and the homes of their more affluent negro neighbors. The riots were a protest, but were masochistic in their effect. They did harm only to the negro communities and to certain white merchants who did business in those negro communities. The white man was not severely injured by the riots, the negro was. The white man will be hurt by having to direct his tax money to the reconstruction of the burned out areas. The negro must find a place to live, a place to buy food, a place to work, a place to eat. He is the real sufferer from the intemperance of his own people. What sense is there in that?

The demagogues who preach the doctrine of total war against the white man, usually issue their preachments from localities far removed from where the shooting is likely to take place. They are ideological hit-and-run artists more interested in stirring up strife than in participating in it. They have done an immense amount of harm to the middle class negro, and have exploited the lowest classes of negro to a point where they have, under the power of emotional stimuli occasionally become less than human in their brutality and viciousness.

Mr. President, these are not my words. These are the words of a very distinguished citizen of Jamaica, a black commonwealth now, to the tune of some 99 percent of its people. He is not a black man, but of Chinese ancestry. He has been all the way through the experiences of being a colonial in British Guiana and then a colonial again in Jamaica, and is now a minority citizen of a black commonwealth. He has become a world citizen and has amassed a very great fortune as an insurance salesman and as a developer of real estate.

In this chapter in his book about America—I am sorry I cannot make all of it available—he expresses the very greatest admiration for our country, the greatest affection for it, and the greatest desire for its permanence and for its success. He has taken time out of his experience to voice, in a rather hard place to voice it—in Jamaica—just what is going wrong in connection with the false leadership that many Negroes, who should be sound leaders, are giving to their brethren.

Mr. President, concluding my reading from the book "The World of Pat Chung," a Chinese citizen of the Commonwealth of Jamaica, I think it would be appropriate to say that I cannot help remembering the words of the famous Scottish poet Robert Burns:

> O wad some Pow'r the giftie gie us
> To see oursels as others see us!

I think we could get some real value out of looking through the friendly eyes of Mr. Chung upon the sorry, questionable, and trouble-making performances which we have witnessed recently, per-

formances which deal with our colored citizens, particularly with their willingness to let so many of their leaders, who should lead them soundly, lead them down false roads and into dangerous performances of many kinds.

Mr. President, I shall quote again. Since some of our distinguished colleagues—who are generously absent at the time southern Senators take the floor to speak on any so-called civil rights questions—are so apt to forget everything, I like to remind them occasionally that there are some of us who, in surroundings not nearly so friendly to the cause of so-called civil rights, have exerted ourselves many times in the past in efforts to provide a higher degree of opportunity for our Negro citizens.

Without dwelling too long upon that point, I want the record to show that as a member of the State senate of Florida, I was glad to support actively the effort, in 1937—and that was 31 years ago—to do away with the poll tax requirement for voting in the State. That certainly meant a great deal to the Negro citizens of my State as well as to many white citizens who were not people of means.

I want the record to remind the Senate also that for 13½ years I urged submission to the States of a constitutional amendment to eliminate the poll taxes in any State as a requirement for voting in any election of Federal officials. That effort is now represented by the presence in our Constitution of amendment No. 24.

I do not think it can be said by anyone, anywhere, at any time, that Senators from the South—I could recite many things about other Senators—have been unmindful of the fact that our Negro citizens need greater opportunities. As a matter of fact, we have done many things to move in that direction. I think we have done it more soundly than has been attempted here so often and has been done here so frequently in the past 10 years.

The major riots which have occurred in other parts of the Nation indicate that those supporting the civil rights bills which have been passed in the past 10 years or more are thinking, almost entirely, about doing something in the South, forgetting the fact that those so-called civil rights bills did nothing for the Negro citizens of the North. I think that when the Negro citizens of the North found that out, they were so disappointed that that disappointment and frustration reflected itself largely in the riots which we have witnessed in the past 2 years and which have been so costly to the Nation, particularly to the northern and western areas.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am happy to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I am not sure that the Senator, by his remarks, has made it clear that he was the chief cosponsor of the constitutional amendment which prohibited the use of poll taxes as a prerequisite for voting in Federal elections. I am correct, am I not, in believing and in stating that the distinguished Senator from Florida [Mr. HOLLAND] was the chief sponsor of that legislation when it was considered by the Senate?

Mr. HOLLAND. I thank the Senator. I offered the amendment 13½ years before it was ever submitted. I kept offering it, in Congress after Congress, without any let up, and I kept speaking about it. I believe that the record will clearly reflect that fact. I am the author and, in that sense, its principal sponsor.

The 24th amendment passed the Senate on March 27, 1962, and the 38th State, South Dakota, ratified that amendment, making it a part of the U.S. Constitution, on January 23, 1964, or less than 2 years after the time of its submission.

Mr. BYRD of West Virginia. The Senator is correct.

Let me say to the distinguished Senator that I was glad to support the amendment when it was before the Senate. I commend him on his vision and leadership in having helped to bring about the Senate's passage of the amendment.

Mr. HOLLAND. I thank my distinguished friend from West Virginia. I want the record to reflect the fact that the Senator from West Virginia strongly and actively supported the effort to submit the 24th amendment, as it has now become, and that throughout his service in the Senate he has always been an ardent friend of the effort to make voting free for the people of all the 50 States.

Mr. President, I am going to again do some reading, because, as I have just said, Senators are so apt to look with a little bit of suspicion upon anything that comes from the South in this field that I want the record to reflect a small part of what has been said in official hearings before Senate committees in opposition to the open-housing proposal, which is the pending amendment to the bill which is now before us.

The Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary held exhaustive hearings in 1966 on an omnibus bill which was pending at that time, but which included as its title IV the open-housing measure, similar to the one now offered as an amendment to the pending bill.

At that time, various witnesses appeared from other parts of the Nation than the South, some of them very able men, and I want people not to forget that fact. The first one that I shall mention is Prof. Sylvester Petro, who was a professor of law at the New York University School of Law. He appeared in opposition to the open-housing provision and testified at some length before that committee.

Appearing before our Senate committee, Professor Petro testified strongly in opposition to the so-called open-housing provision in the bill that was then being studied by that committee.

I shall read Professor Petro's testimony in part at this time.

Mr. PETRO. Thank you very much, Senator Ervin—

Senator ERVIN was the chairman of the subcommittee—

for having invited me down. I find that the subject to which I am going to address myself is one of the most fascinating that I have encountered in a long time, one of the most incredible as a matter of fact. I find it hard to this day to believe that in this country, which prides itself on freedom, so thoroughgoing an assault upon so intimately a significant freedom as the right of property should be possible.

I understand that there is a tremendous amount of confusion everywhere in the world, not only in this country today, concerning the meaning of key terms, such as freedom, voluntariness, compulsion, and so on. I sincerely hope, Senator, that I am going to make a contribution today toward the clarification of some of this confusion.

Freedom is a condition to which the right of private property is indispensable. If you tell me that I must sell my house to A instead of to B, or instead of taking it off the market, you have deprived me of my right of private property, and of my freedom. If you force me to sell without providing me with traditional safeguards, then you have not only deprived me of liberty and property, but you have done so without due process of law. The fundamental defect of title IV of Senate bill 3296 is that it proposes the most far reaching, the most offensive, and the most arrogant deprivation of property without due process in the history of the United States.

I digress to say that title IV of Senate bill 3296 was the open-housing provision now before us in the form of an amendment offered by the Senator from Minnesota [Mr. MONDALE] and other Senators.

I continue to quote from Professor Petro's statement:

I address myself to title IV exclusively. I wish to emphasize this point, because title IV is it seems to me sharply distinguishable from the other titles of the bill. The other provisions propose to remedy denials of civil and personal rights. As such, they cannot be called defective in principle, though they might prove to be evil in policy and practice, and I believe that that is so, that they would prove evil in practice. Title IV, however, exercises me a great deal more. For it is a clear denial of right, vicious in both principle and practice, because it cannot possibly be administered in accordance with due process of law, and because it adds materially to the forces already at work to introduce the police state into this country. It is just possible that title IV will not work at all. And I shall try to explicate my reasons for that statement before long. But if it does, if it does work, it will do so at the expense of liberty, property, and due process. I propose now to demonstrate the accuracy of this charge.

My first point is that freedom and the right of private property are one and the same thing.

It is customary among proponents of such legislation as title IV to praise it in the name of freedom. However, the briefest examination of the legislation and the barest acquaintance with the condition known as freedom will expose the error of identifying title IV with freedom.

Title IV would force individual homeowners, real estate brokers, and financing institutions to sell and finance the sale of homes in circumstances in which they would prefer not to do so. Homeowners are told in section 403 that, no matter what their own preferences may be, they are compelled by law to sell, rent, or lease their dwellings without regard to the race, color, religion, or national origin of prospective purchasers or tenants. Brokers and financial institutions are subjected to corresponding and implementing deprivations of their rights. Sections 406 and 407, as we shall see, encourage the most aggressive possible prosecution of the policies of the legislation.

No great acumen and no tortured analysis are necessary in order to perceive how dras-

tically title IV invades and restricts freedom and property, and therefore how incorrect and deceptive it is to identify title IV with freedom. A man is free precisely to the extent that his property rights are intact, because the condition of freedom and the condition of slavery are distinguished on the basis of the right of private property. A freeman owns himself and whatever he comes by lawfully. A slave owns nothing. He does not own himself, and, if he is in full slavery, he can own nothing else; not even his children are his. They belong to his master.

Ownership, however, means more than the possession of formal legal title to things. It means control. Control means authority over use, and over disposition as well. It means the condition in which one has the authority to follow his own preferences. Obviously it does not mean that one may use his property in a way which destroys the property of others. The rights and the freedom of others are entitled to the same status and condition as his. But that qualification poses no serious problem. It is easy to see that property rights and freedom cannot exist where some are permitted to invade the rights of others.

Legislation such as Title IV is sometimes advocated on the theory that freedom involves the right to live wherever one chooses. Indeed, I infer that this is Senator Douglas' position. It is the position of people who speak in those terms that one is not free unless he is in a position to buy whatever he wants to buy. But this is an incorrect usage of the term "freedom", and it is very easy to demonstrate the error. For if I have the right to live wherever I choose, then someone else must have the duty to permit me to do so. Suppose I prefer my neighbor's home to my own. Have I the right to force him to sell to me? Obviously I do not—not in a free country, anyway. For if I did, I should possess, not freedom, but power. And if he were obliged to sell, it would be foolish to speak of him as a freeman with his property rights intact.

The same is true of the so-called "right to buy." No one in a free country, when one thinks seriously about these matters, has a right to buy anything. If he is a freeman, what he has is a right to offer to buy. And if the man on the selling side is a freeman, in a free country, he has the right to offer to sell or to refuse to offer to sell. A completed transaction occurs, in a free country, when a willing and able buyer encounters a willing and able seller and they get together on terms which are mutually satisfactory.

Title IV does not promote freedom. It destroys freedom and creates power on one side. To speak of it in the name of freedom is to engage in an ugly perversion of the central principle of the good society.

I read the Attorney General's statement before the House Judiciary Committee, and there were a number of things in the Attorney General's statement that I thought interesting enough to call for comment. It brought out some of the issues that I think are paramount, in a particularly striking way. He said, for example, that "the ending of compulsory residential segregation has become a national necessity." His use of the terminology "compulsory residential segregation," to speak kindly, is strained. Taking the words in their natural meaning, one would have to conclude that the Attorney General is engaged in fantasy or science fiction. I am not aware of the existence of "compulsory residential segregation" anywhere in the United States. Indeed, since the Supreme Court's decision in *Shelley* v. *Kraemer*, even contractual residential segregation is no longer possible, for that case held racially restrictive covenants unenforcible.

The truth is that the only kind of residential segregation which exists in the United States today is purely voluntary. The further truth is that the persons ultimately responsible for such voluntary housing segregation as exists are individual homeowners. The Attorney General seeks to shift the onus. He said to the House Judiciary Committee:

"I believe it is accurate to say that individual homeowners do not control the pattern of housing in communities of any size. The main components of the housing industry are builders, landlords, real estate brokers and those who provide mortgage money. These are the groups which maintain housing patterns based on race."

Everywhere in the United States today homeowners are free to sell their homes to whomever they wish among those who bid. Nowhere are they prevented from selling to Negroes, Jews, Puerto Ricans, or any other so-called minority. It is unlawful everywhere for anyone to interfere with a man's right to dispose of his property as he sees fit. If one real estate broker refuses to deal with members of a given race, the homeowner is free to seek another. If he can find no broker who will deal indiscriminately, the homeowner may take over the selling function himself, as many do. I am confident that there is not a newspaper in the United States which would reject an advertisement offering a house for sale or for rent to all comers.

The Attorney General's strained use of the strange terminology, "compulsory residential segregation," I believe must be accounted for by his natural reluctance to describe the effect of title IV accurately. But no valid purpose is served in beating about the bush. The purpose and effect of title IV are to deny freedom and to restrict the right of private property, not to protect and advance them. The particular and ultimate victim is the homeowner—not the builder, not the real estate broker, and certainly not the banker. For them, in their commercial roles, housing is purely a commercial matter. They will not be hurt in those roles by a law forbidding the discriminate sale or renting of private homes. But the individual homeowner will be. He will find his freedom and his most cherished values savagely mauled.

I want to refer to another aspect of the Attorney General's strained terminology about compulsory residential segregation: his reference to "national necessity."

When one removes the tortured indirectness from the Attorney General's language, what remains is this assertion:

"The policy of this Administration is to favor a compelled amalgamation of all races, colors, and creeds in residential areas; individual preferences, the right of private property, and personal freedom must all be sacrificed to this overriding policy."

He refers to "national necessity." What meaning are we to give to "national necessity" when that expression runs counter to individual preference? The purpose of title IV, to repeat, is to produce a racial mixture in residential areas. If that mixture does not now exist it is because individual homeowners have preferred something else. But this is a nation of homeowners. Is not the residential pattern therefore an expression of their desires, and as such an expression also of national policy? By what right does the administration arrogate to itself the authority to frustrate such desires and to identify contrary wishes as "national necessities"?

A man's family and his home are dear to him, the things he cherishes most in the world. He will work for them as he will work for nothing else. In fact I have a considerable number of calluses right now on my hands, Senator, from clearing several acres of woods, a living testimonial to the drive built into a man to take care of his home. A man will work for his family and his home as he will work for nothing else. And out of such striving great things have emerged. America as we know it today, with all its power and wealth, is a byproduct of the efforts that men have expended in building their families and homes. All the massive edifices in Washington, D.C. all the vast means at the disposal of the Government of the United States, are mere incidentals to the main business of the ordinary American, who works for his family and his home—not for "national necessity," whatever that pompous phrase may mean.

We must get these things straight. Governments do not produce either men, families, or wealth. Men produce those things. The only thing that government produces is more government. If, in producing more and more government, a country should destroy the mainspring of human striving, the fact that the destruction has been cloaked in the verbiage of "national necessity" will not change the consequences. The country will regress; its wealth diminish; its government become a fourth-rate power; its general tone will become puny.

I take no position one way or the other on the desirability of racially amalgamated residential areas, and I do not see how any other mere mortal can do so, for it seems to me to be entirely a matter of personal preference.

I believe it was the right of the people in Senator Douglas' Hyde Park-Kenwood area to undergo the integration experience that they have undergone, and I might add from personal direct knowledge that the experience was a good deal more horrifying than Senator Douglas suggested. To repeat, I don't know what the pattern of any residential neighborhood should be. What I do know and assert is that the goodness, wealth, and power of this country are products of the striving of freemen in the pursuit of their preferences; in short, products of the right of private property. I know, furthermore, that title IV, whatever the Attorney General may say about it, is the most far-reaching and thoroughgoing invasion of the right of private property that has ever been proposed in this country. The Attorney General refers to title IV as a "national necessity." I believe it better described as a national disaster.

I turn now to the procedural aspects of this bill. I find the procedural aspects of title IV as questionable as its substantive policy, perhaps far more serious in the inroads it makes on the rights of homeowners.

It encourages unmeritorious and vexatious litigation despite the crowded conditions of court dockets all over the country. It creates evidential problems which are likely to make a mockery of due process of law. Its provision for remedies are likely to intimidate the decent citizen. The powers of intervention granted the Attorney General are vague and ill defined and smack more of the police state than of a society ruled by law.

Consider the matter of unmeritorious and intimidatory litigation. Section 406(b) authorizes the Federal courts, whenever they "deem just," to subsidize proceedings against homeowners who have allegedly refused to sell or rent on the basis of race, creed, or national origin. No such subsidy is made available to the defending homeowner. Thus a disappointed purchaser has everything to gain and nothing to lose by suing the homeowner. Under section 406(b) the would-be purchaser may commence a civil action "without the payment of fees, costs, or security * * *." This means he may secure even an ex parte restraining order, preventing the homeowner without notice or hearing from selling to another, without forfeiting a bond or security. This is different from the situation which prevails in the case of any other kind of litigation whatsoever.

There is no need to dwell at length upon the evils of this provision. They are obvious. Every homeowner in the country is a potential victim when he puts his house up for sale, whether or not he has violated the law. The normal restraints upon vexatious litigation are gone.

As we shall see, it is likely that the burden of proof will come to rest swiftly upon the homeowner, rather than, as is traditional, at least in due-process countries, upon the complaining party. The difficulty of sustaining

the burden of proof together with the subsidizing of the complainant add up to a massive instrument for the intimidation of of homeowners.

Even without the subsidy provision, title IV, if enacted, is likely to produce a flood of litigation, and litigation of a peculiarly complicated character. With the subsidy, of course, there will be even more. I do not suggest that the litigation-breeding charge is ever a valid argument against an otherwise meritorious law, for I believe that if a proposal has merit, it should pass even though it increases the burden on the courts. The trouble with title IV, however, is that it is both bad in principle and likely to encourage great volumes of unmeritorious and purely vexatious litigation, when the Federal courts are already heavily burdened.

The probable result is that proceedings under title IV will work the most vicious kind of injustice. Complainants, that is to say, disappointed purchasers from a minority, will ask for restraining orders, pending a full trial, which is likely to be long and drawn out. Homeowners will thus lose their purchasers, while the complaining parties, on the other hand, will have nothing to lose, especially when even their attorneys' fees and security costs are covered by the taxpayers. The net effect is likely to create discrimination in favor of members of minority groups. Indeed, that seems to be the object of all the procedural features of title IV. The compulsions and the denials of freedom which characterize the substantive features of title IV will probably be surpassed by the compulsions inherent in its procedural features.

I turn now to problems of proof and due-process implications.

Every time a belligerent member of an identifiable minority bids unsuccessfully on a home, or a rental, he is in a position to make life miserable for the hapless homeowner. Suppose a Jewish homeowner, with his house up for sale, receives equal bids from two persons, one a Jew, the other an Italian. If he sells to the Jew, the disappointed Italian has the basis for a suit. The Italian may petition for a temporary restraining order, thus blocking the sale to the Jew, pending full trial. How long will the Jewish purchaser keep his offer open?

And what will happen at the trial? The law is vague. It forbids refusing to sell to any person because of race, color, religion, or national origin. How much proof is required? What kind? On whom will the burden of proof come ultimately to rest?

We have considerable experience with a similarly vague law. An analogous provision in the National Labor Relations Act prohibits discrimination by employers which tends to discourage union membership. The National Labor Relations Board considers itself as having a prima facie case of discrimination when a union man is discharged by an employer who has betrayed antiunion sentiment. At that point the burden of proof shifts to the employer. He must show that there was some good cause for the discharge—a violation by the discharge of some strictly enforced rule, or a failure by him to meet objectively demonstrable standards. If he fails in this showing, the employer will be found guilty of unlawful discrimination.

The homeowner under title IV is in a much more difficult position than the employer under the National Labor Relations Act. How is the homeowner to prove—in the case I give—that he had some objectively demonstrable cause—other than race or religion—when the Italian made the same offer that the Jew made?

It is possible that the Federal courts, unlike the National Labor Relations Board, will require objective evidence of discriminatory motivation before they hold homeowners guilty of title IV violations. But if the courts take that position, title IV will become a dead letter; ocular proof of discriminatory motivation is in the nature of things unavailable.

Mr. ERVIN. Mr. President, will the Senator yield for a question and observation with the understanding that he not lose his right to the floor?

Mr. HOLLAND. Mr. President, I am happy to yield to the distinguished senior Senator from North Carolina.

Mr. ERVIN. Mr. President, those observations were based upon the original bill containing certain sections which provided for access to courts.

The pending Mondale amendment denies anyone access to the court, which is inconsistent with due process and fair dealing. It provides that the Secretary of Housing and Urban Development shall be charged with the duty of administering the so-called forced-housing provisions of the amendment, and not only that he shall receive complaints, but also that he may make complaints, investigate the complaints, act as prosecuting attorney and prosecute the complaints, act as the jury and make the decision on the questions of fact binding on the court, and then act as judge and enter the order.

It combines the contradictory roles of the complaining party, the prosecutor, the jury, and judge in one man. It is about the most monstrous proposed prostitution of the judicial process that America has ever seen.

Mr. HOLLAND. I thank the Senator for making that point. I had expected to make it later. I was only reading the testimony of this able professor of law from New York University on the other provision which is lighter in that regard than the one before us. I intend to explain it later. I am glad that the Senator brought it out.

The fact is that this able professor of law, not from the South, but from New York University, testifying with regard to the earlier provisions of title IV of the omnibus bill on which hearings were held in 1966 under the chairmanship of the distinguished Senator from North Carolina [Mr. ERVIN], found so many things wrong with that lighter provision that I thought it well to have something in the RECORD to indicate that the complaints do not all come from the South, but also come from people learned in the law all over the land. And it was not hard to get these complaints from the professor. I am going to put in the RECORD another complaint from another professor from the New York University of Law which is at least as strong, if not stronger than this complaint.

Mr. ERVIN. Mr. President, I would like to call the attention of the Senator to section 1 of article III of the Constitution, which provides that the judicial power of the United States shall be vested in the Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

The Senator will note that it does not say that a part of the judicial power will be vested in the courts, but it says that the judicial power of the United States—which must relate to all judicial power of the United States—will be vested in the courts.

Does not the Mondale amendment undertake to vest in a Cabinet officer—namely, the Secretary of Housing and Urban Development—judicial power, which is the power to settle controversies between parties with respect to their legal rights?

Mr. HOLLAND. It certainly does undertake that. And, as the Senator has just said, it would allow the Secretary of Housing and Urban Development to occupy the roles of complaining witness, prosecutor, jury, and judge, and would then allow him to hand down an enforceable decree in the matter.

Mr. ERVIN. Mr. President, does not the Senator from Florida agree with the Senator from North Carolina that under the system of government ordained by our Constitution, the exclusive power to regulate the title to real estate belongs to the States in which the real estate is situated?

Mr. HOLLAND. Of course, that is true.

Mr. ERVIN. Is there anything in the Constitution that guarantees to the Congress of the United States the power to regulate the title to real estate?

Mr. HOLLAND. Not that I know of or have heard of. And I have not heard anybody during the course of this debate go that far. Of course, the bill they support does go that far.

Mr. ERVIN. Mr. President, do not virtually all of the States of the Union have what they call a statutes of frauds which provide that no contracts relating to the leasing or conveyance of land shall be valid unless they are reduced to writing and signed by the owner or by his duly authorized agent?

Mr. HOLLAND. I do not know how many other States have such a statute. My own State has such a statute, and I know of a few other States, the laws of which I have been familiar with, that have statutes of fraud.

Mr. ERVIN. Despite that fact, does not the Mondale amendment provide that the Secretary of Housing and Urban Development can enter any order he believes necessary to enforce the provisions of the amendment?

Mr. HOLLAND. The proposed amendment does so provide.

Mr. ERVIN. And would not that provision nullify all State statutes of fraud and substitute for written contracts, oral offers to sell, and even oral refusals to sell?

Mr. HOLLAND. The Senator is correct. As a matter of fact, this provision, if it became law, would run roughshod over a State's citizens, over State laws, over property located within States, and over what I believe is the real meaning of our Constitution, that this field is reserved to the States.

Mr. ERVIN. I should like to read to the Senator from Florida a statute of North Carolina, which is codified as section 47–18 of the North Carolina General Statutes:

§ 47-18. Conveyances, contracts to convey and leases of land.—(a) No conveyance of land, or contract to convey, or lease of land for more than three years shall be valid to pass any property as against lien creditors or purchasers for a valuable consideration from the donor, bargainor or lessor but from the time of registration thereof in the county

where the land lies, or if the land is located in more than one county, then in each county where any portion of the land lies to be effective as to the land in that county.

That statute provides that before any contract or conveyance can be valid against a future mortgagor or purchaser of value, it must be reduced to writing. Its purpose is to stabilize land titles and enable prospective purchasers to look to the record in the registry office to ascertain whether they are buying a good title.

Mr. HOLLAND. The instrument must be in writing and must be recorded—both those provisions. That is similar to a provision in my State, and I believe it is generally true in all States.

Mr. ERVIN. Statutes of that nature are designed to make it possible for one who desires to purchase a piece of land to ascertain from registered documents whether or not he is procuring good title. Is that not so?

Mr. HOLLAND. The Senator is correct.

Mr. ERVIN. And would not the power that this amendment would vest in the Secretary of Housing and Urban Development make it possible for him to nullify statutes of that nature throughout the country?

Mr. HOLLAND. It certainly would. If this amendment became law, there would be no way to avoid that conclusion.

Mr. ERVIN. Would not the adoption of this amendment bring chaos into the law of land titles throughout the 50 States of the Union?

Mr. HOLLAND. I believe it would. That is one of the reasons why I am opposing the amendment as well as the bill to which it is proposed to be attached.

I thank the Senator for his most helpful comments.

I continue to read from the testimony of Dr. Petro, a law professor of the University of New York:

Hence the probability, if title IV is to be viable, is that the courts will do what the Labor Board has done; that is, rely upon presumptions and inferences. In that case title IV will become an even more pervasive instrument for the denial of due process that the Labor Act has been. The burden of proving lack of discriminatory motivation will fall upon the homeowner, and in 99 cases out of a hundred, he will be unable to carry that burden. He will not be able to prove, in the case I have cited, that there was a nondiscrimintory basis for his refusal to sell to the Italian.

Add this to the fact that he will probably have been restrained by the court from conveying to the Jewish purchaser, pending trial, and it becomes evident that title IV puts the homeowner into an impossible position when he is confronted with purchases from different minorities. No matter which he chooses to sell to, the other is in a position to make life miserable for him. An age-old instinct of the common law was to conceive rules in the manner most likely to encourage and promote the alienability of realty and chattels. It would appear that the aim of title IV is, at least, in part, to frustrate realty transactions.

If the homeowner is confronted with offers from a Negro and a white Anglo-Saxon Protestant, he has no choice under title IV at all. Preferring the Anglo-Saxon will, if the disappointed Negro is belligerent or fronting for a pressure group, produce an immediate restraining order, frustrating an immediate sale and probably inducing the purchaser to go elsewhere, for many important family matters hinging upon the timing of home purchases. Again, there will be a trial, probably prolonged, and how will the homeowner establish that his choice was not on the basis of race or religion? He has everything to lose and nothing to gain from fighting the case.

Title IV takes away his precious freedom, his right of private property, and makes a mockery of due process while doing so. "National necessity" is cited as the jurisdiction for this vicious betrayal of some of the best of the American tradition. But I am unable to understand how it can be nationally necessary to destroy what is good and strong in a nation. Title IV is an instrument useful only to beat the country's homeowners into a state of supine submission. Perhaps they will rebel against it, however, in which case there will be chaos.

Perhaps title IV will stimulate evasive hypocrisy on a universal scale, an even more repulsive possibility. But meek submission is what the bill seems to aim at, and I can think of nothing more foreboding than the realization of that aim. No great society was ever built by sheep or cattle.

Intimidatory remedies: There is an infinity of evil in title IV. Section 406(c) provides that "the court may grant such relief as it deems appropriate, including a permanent or temporary injunction, restraining order, or other order, and may award damages to the plaintiff, including damages for humiliation and mental pain and suffering, and up to $500 punitive damages."

Section 406(d) authorizes the court to "allow a prevailing plaintiff a reasonable attorney's fee as part of the costs."

In the light of these penalties, the homeowner will have to be foolhardy indeed who refuses to sell to the member of any minority group.

The bill puts no limit on the amount that may be awarded for "humiliation and mental pain and suffering." Apparently the sky is the limit. It is true that there is a "reasonable" limitation on the amount which may be assessed against the defendant for a successful plaintiff's attorney's fees. The fee may still grow to a substantial amount, however. Equity proceedings and a prolonged trial may easily involve work and time for which thousands of dollars constitute a reasonable fee. And it must never be forgotten that the victim of title IV will usually be an individual homeowner. More than that, he will usually be a man of modest means, for the wealthy will never have problems under title IV, and even the well off will rarely have trouble with it.

Special note must be taken of the variety of court orders authorized by section 406(c): "permanent or temporary injunction, restraining order, or other order." Obviously there is plenty of room in this catalog for the most extreme type of court order, the mandatory injunction. In short, a homeowner may be ordered to convey his property to a person to whom he does not wish to sell it, or even, indeed, after deciding to withdraw it from the market. Consider this type of case, which occurs often enough: after getting only one offer for his home, and that from a Negro, the homeowner decides after all that he does not wish to sell; the Negro, or some supporting organization, gets its wind up, creates a great deal of publicity, leading to what may be called humiliation for the would be purchaser, and then files suit, demanding a mandatory injunction and all kinds of damages allowed for in the bill. Moreover, the Negro convinces the court that he lacks means and thus acquires a subsidy for all court costs, fees, and other costs.

What is the position of the homeowner in such a case? He made no formal announcement that he was withdrawing his house from the market. Born and raised a freeman he felt no obligation to clear his change of mind with anyone. He just went ahead and adjusted numerous complicated and intimate family plans to his new decision. But how will he prove that there was no discriminatory motivation in the face of the evidence—the prima facie case—against him? Should he fight the case? If he fights, the costs will be heavy, and his means in all probability slender. There is no provision in the law covering his costs, if he wins. Can one afford to fight such a case? Why fight, anyway? Why not just let the court take away the house and convey it to the person who wishes to purchase. It's only a house, after all, and the family can adjust to a move.

I said title IV would stimulate the growth of police state conditions. What I had in mind was section 407 (a) and (b) which give the Attorney General a roving commission to institute or to intervene in title IV proceedings pretty much as he pleases. Section 407(a) permits him to institute suit whenever he (not the court) "has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted to this title."

All the forms of relief available in private suits are made available in suits instituted by the Attorney General.

The Attorney General has even broader and more vaguely defined power to intervene in actions commenced by private parties. Under 407(b) he has the authority to intervene if he merely certifies that the action is of "general public importance."

The effect of these two sections is to authorize the Attorney General to police every real estate transaction in the United States. Obviously even the enormous tax revenues of the United States and its prodigious number of officeholders are not sufficient to permit the Attorney General to intervene in every transaction yet. He will have to pick and choose. The picking and choosing is likely to be dictated in title IV cases largely as it is in all similar instances of governmental intervention. Political, publicity, and psychological considerations will play an important part. Thus the full power of the Federal Government will be thrown against the homeowner who happens for one or another of these reasons to constitute a suitable target. The police state implications of this boundless grant of power are too obvious to require comment. Pity the poor homeowner who finds himself caught in the middle.

In conclusion, there is no doubt in my mind of the proper disposition of title IV of S. 3296. It should be rejected. I repeat: I take no position on the question whether racial amalgamation of residential neighborhoods is desirable; in a free country, residents should make that decision each for themselves—not politicians or government agents, or courts. What I am convinced of is that compulsory amalgamation has no place in a free country. What I am convinced of further is that title IV is a measure devilishly and deviously contrived in each of its provisions to work a compulsory amalgamation. Title IV is advertised by its proponents as a "national necessity" designed to promote freedom and justice. In fact, it is a national disaster which destroys freedom while spreading injustice across the land. Whatever the Attorney General may say about it, the principal target and ultimate victim is the individual homeowner. This lonely individual will find himself in title IV proceedings fighting against preposterous odds for the things most dear to him. He will finance his opponent in individual proceedings in many cases, and his tax money will be used against him in proceedings brought by the Attorney General. Title IV is a stacked deck against the individual homeowner, his liberty and property. If title IV is passed it will amount to a declaration of war by the Government of the United States against its sturdiest and most productive citizens, the homeowners of the

United States. The consequences for the country cannot be anything but evil.

Mr. President, I wish to state again that this is the testimony before an able and distinguished Senate committee on title IV of the omnibus bill of 1966, which is similar in many of its respects and identical in many of its respects to the pending amendment. It is an opinion by a member of the law faculty of the University of New York and it is not an expression by the Senator from Florida, although the Senator from Florida agrees very strongly with the expressions of Dr. Petro in this statement.

Mr. President, I close by again reading the last two sentences by Dr. Petro. They are as follows:

If title IV is passed it will amount to a declaration of war by the Government of the United States against its sturdiest and most productive citizens, the homeowners of the United States. The consequences for the country cannot be anything but evil.

(At this point, Mr. HART assumed the chair.)

Mr. ERVIN. Mr. President, will the Senator from Florida yield for an observation and a question with the understanding that he will not lose his right to the floor by so doing?

Mr. HOLLAND. Mr. President, I yield to the Senator from North Carolina with that understanding.

Mr. ERVIN. Mr. President, the Senator from Florida called the attention of the Senate to the statement of Prof. Sylvester Petro that forced housing laws smack of the police state.

I wish to call to the attention of the Senator from Florida this provision of the Mondale amendment which appears on page 14 beginning at line 10:

SEC. 12. (a) In conducting an investigation the Secretary shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation.

I wish to ask the Senator from Florida if that provision does not undertake to vest in the Secretary the power to have access to the homes of individuals, subject only to the limitation that he shall have such access at reasonable times?

Mr. HOLLAND. The Senator, of course, is correct. The wording of that provision is very clear.

Mr. ERVIN. So that here, for the first time in American history, as far as I know, the power is given to an executive officer to have access to the homes of free Americans.

I wish to ask the Senator from Florida, since there is no requirement that the Secretary get a search warrant for any of these matters, how that provision can be reconciled with the fourth amendment, which provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

In the absence of some requirement that a warrant shall issue on probable cause, supported by oath or affirmation, how can the provision of the Mondale amendment be reconciled with the fourth amendment of the Constitution?

Mr. HOLLAND. I say to my distinguished friend that it cannot be reconciled, in the opinion of the Senator from Florida. It is completely irreconcilable with the constitutional provision which has been recognized many times by many courts and is still a part of the law of the land.

Mr. ERVIN. I invite the Senator's attention to the provisions of the Mondale amendment which appear on page 12. These provide that if he "finds that discriminatory housing practices have occurred or are about to occur, the Secretary shall issue an order requiring the respondent to cease and desist such practices and take such affirmative action as will effectuate the policies of this act."

I would like to ask the Senator if that does not, in effect, confer upon the Secretary the powers of a court of equity to issue a cease-and-desist order in the nature of an injunction?

Mr. HOLLAND. It does.

Mr. ERVIN. So it is vesting judicial power in an executive officer, despite the doctrine that the powers of the judiciary shall be kept separate from the powers of the executive.

Mr. HOLLAND. The Senator is correct.

Mr. ERVIN. I invite the attention of the Senator to the provision on page 13, which provides:

Temporary orders may extend beyond ten days only if the respondent is first given reasonable notice and an opportunity to be heard. The Secretary may condition the issuance of a temporary order upon the posting of a bond by the person or persons seeking protection from discrimination, with such sureties, if any, as the Secretary considers necessary.

The Secretary could issue an order in the nature of an injunction to keep a homeowner from selling his property, could he not?

Mr. HOLLAND. The Senator is correct; and then prescribes how large the bond should be.

Mr. ERVIN. He could refrain from setting any bond.

Mr. HOLLAND. The Senator is correct.

Mr. ERVIN. So, he has the power to require a bond, or he can issue one of these orders enjoining the sale by the owner to some third person without requiring the bond. Then, if it turns out in the final hearings on the merits before the Secretary that there was no discriminatory practice, the man has lost his sale and is without remedy against the person responsible for losing his sale; is that not correct?

Mr. HOLLAND. The Senator is correct. That is in pursuance of what the Attorney General said is national necessity. In that case, it would mean that he thinks it is nationally necessary and that the seller, the owner, or many of them, and there may be thousands, will lose their sales no matter how important they may be at that time. I do not agree with the Attorney General. I think the pending bill is a monstrosity. Dr. Petro thought so, because he said so very clearly. He said that passage of the bill would be a national disaster.

Mr. ERVIN. Has not the Senator from Florida, like the Senator from North Carolina, heard that argument made by the proponents? They have shown by their arguments that the sole purpose of the bill is to coerce white people into selling homes in exclusively white neighborhoods to colored people; is that not correct?

Mr. HOLLAND. That certainly is its principal purpose. I think that the speeches of our friends of the opposition show that very clearly.

Mr. ERVIN. The overall purpose of the bill is to take away from American citizens the freedom to establish residential patterns in conformance with their own personal desires and to vest in the Government, acting through the Secretary of Housing and Urban Development, the dictatorial power to tell all Americans what kind of residential section they will live in; is that not correct?

Mr. HOLLAND. The Senator is correct. The Senator knows the proverb, "Birds of a feather flock together." The bill would attempt to make that inoperable as to the human race.

Mr. ERVIN. Yes. Now I should like to ask the Senator from Florida this question: The seventh amendment provides:

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

Proceeding on that basis, although it might involve thousands of dollars, instead of only $20, under the pending amendment there would be a denial of the right to a trial by jury in all cases, would there not?

Mr. HOLLAND. The Senator is, of course, correct.

Mr. ERVIN. Does not the Senator from Florida agree with the Senator from North Carolina that laws should be passed only for the purpose of preventing evil?

Mr. HOLLAND. I think so.

Mr. ERVIN. I invite the attention of the Senator from Florida to page 4, subsection (c) of the Mondale amendment—and I omit the words not germane to the point I am trying to make—"To make, print, or publish, or cause to be made, printed, or published any oral or written notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, based on race, color, religion, or national origin."

Can the Senator from Florida tell the Senator from North Carolina what the evil is in a man preferring to sell a home or to rent his property to a person of his own race or his own religion?

Mr. HOLLAND. The Senator from Florida sees no evil in it. Quite to the contrary, he thinks that it is part of the property right that the owner has to state his preference. We should not, by any law, make any effort to deprive him of that right.

Mr. ERVIN. I am not so foolhardy as to predict what the Supreme Court of the United States, as now constituted,

would hold if the pending amendment were to be adopted by Congress, but I should like to point out to the Senator from Florida that every relevant decision of the Supreme Court to date that I have been able to find has held that any law which makes the right of the owner of property to use his own property according to his own notions dependent upon the will of other individuals constitutes a deprivation of property without due process of law.

Mr. HOLLAND. I think the Senator is correct. I have so stated repeatedly in the course of my arguments today. I thank the Senator from North Carolina for his most helpful intervention.

Now, Mr. President, I will pursue my original objective, to place in the RECORD and show that the objections to the pending amendment, and to the pending bill, do not come solely from the South.

I have here a statement made by Prof. Bertel M. Sparks, professor of law at New York University, which was made with reference to title IV of Senate bill 3296, upon which hearings were held by the distinguished Senator from North Carolina and his Subcommittee on Constitutional Rights in June of 1966.

I am not going to weary the Senate by reading the statement in full, but just want to show that Dr. Petro, whose statement I have read in full into the RECORD, is not standing by himself. Here is another law professor, out of the same law school, taking the same position and taking it very strongly, and in such a way that there can be no question about it.

Mr. President, I ask unanimous consent to have the entire statement of Professor Sparks printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF BERTEL M. SPARKS, PROFESSOR OF LAW, NEW YORK UNIVERSITY

First, I am deeply grateful and I feel highly honored at the privilege of being before this distinguished committee to present my views. This is especially true in view of the fact that I am here for no reason and in no capacity other than that of being a citizen of a free Republic. I am not representing any particular group or faction or special interest or anything of that sort.

A person might be against a proposed piece of legislation because he does not approve of the objectives sought or he might approve of the objectives but still be opposed to the particular statute because he does not consider it a proper means of achieving the desired goals. It is assumed, and I am willing to assume, that the objectives of title IV of Senate bill 3296 are to provide additional means for enforcing the constitutional provisions for equal protection of the laws and to give to Negroes, and possibly other groups, a better opportunity to obtain more desirable housing.

These are worthy goals indeed and it is doubtful if anyone can be found who will disagree with either of them.

I assume that there is no one present or absent who would disagree with that.

But in spite of the good intentions, inquiry must be made into the actual results title IV is likely to produce in the marketplace. For I believe that Daniel Webster spoke the truth when he said the "Constitution was made to guard the people against the dangers of good intentions."

In the popular press, the bill is being referred to as a civil rights bill. But the experienced legislator can never be content with labels alone. He must ask himself, in connection with civil rights, what rights, to whom are they being given, and who is giving them? Upon these questions title IV is extremely ambiguous. It purports to give a right to everyone to purchase or lease real estate without regard to his "race, color, religion, or national origin." But that right already exists in every instance where the prospective buyer locates the desired housing and offers the price for which a willing seller is prepared to sell.

That brings us more directly to the question as to how title IV proposes to improve the buyer's position. A reading of the bill, especially section 403, makes it quite clear that its purpose is to improve the buyer's position by providing for him a willing seller in circumstances where a willing seller might not otherwise be available.

There are a number of rather extensive enforcement provisions concerning the bringing of lawsuits, payment of attorney's fees, and the regulation of real estate brokers and financial institutions. Many of these are of highly questionable viability within themselves.

I might say that I have assumed that a lot of them were put in there for negotiating purposes. But that is not what I am going to talk about now, because I assume they are all in one way or another to support or supplement what purports to be the one basic right extended to the buyer. It is that central basic provision that I wish to discuss. And it will be my position that if the bill is enacted, its principal effects will be (1) to reduce the total amount of housing available by discouraging building, and (2) to put Negroes and other groups the legislation is intended to help at an increasing disadvantage in their attempts to buy what is available.

The bill attempts to provide a willing seller by denying to every property owner the right to consider "race, color, religion, or national origin" as influencing factors in the selection of a tenant or customer. But that provision raises two further questions of primary importance: (1) What personal right does this take from every homeowner in the land? and (2) What effect will this have upon the ability of Negroes and other minority groups to obtain better housing? These are important questions.

The constitutional prohibition as well as the longstanding legal tradition against the taking of property without due process of law brings us down to bedrock as to the meaning of the word "property" and what constitutes a "taking." The question is an important one, not only because of the provision in the Constitution, but also because of its significance in every aspect of human affairs. I am afraid that my discussion on this point will appear excessively esoteric to some and excessively simple and unnecessary to others. Whichever group you happen to be in, I beg you to bear with me because I believe a careful analysis of the nature of the property being taken is essential to an understanding of the effect this bill is likely to have in the marketplace.

In its legal sense, the word "property" does not refer to material things such as houses and lands, articles of clothing, tools, machinery, or other things capable of being owned. But rather property has reference to an individual's legal rights with respect to those things. There is the right to use, the right to exclude others, the right to sell, the right to devise, and others. A person's property in a given object then consists of the total bundle of rights he has in that object. Those different rights are all different items of property. They are not all of equal importance.

It is possible that one or more of them may be taken away while the others are left undisturbed. One of the dangers inherent in this possibility is that we might consent to having them taken away one by one until there is scarcely anything left in the bundle. Another danger is that we might let one slip away thinking that we can hold on to all the others and then discover too late that that one, the one we have surrendered, is the one upon which the very existence of all of the others essentially depend.

The particular right involved in title IV is the right to sell. And here I am using the word "sell" to include the right to transfer for a term, that is to say, the right to rent or lease. In an effort to evaluate the importance of that particular right it might be well to begin by reminding ourselves briefly of a bit of history that all of us have been taught but which we might have a tendency to forget in this age when we are more concerned with the enjoyment of the fruits of freedom than we are with the sacrifices necessary to achieve it. And I might say necessary to maintain it.

And if I seem to dwell too long on what appears to be history of a bygone age, my purpose is to call attention to the fact that the right to sell, the right that is under attack in title IV, is the very right which supports and sustains most of the civil and political liberties held sacred by all Americans. While we might overlook that fact in our day, the Founding Fathers certainly did not forget it in theirs.

From the very foundation of our Republic, and in English jurisprudence even before that, down to the present time, our legal system has considered the right to sell as an essential feature of any free society. Some of our State constitutions have provisions declaring the right of property to be "before and higher than any constitutional sanction." (Arkansas constitution, art. 2, sec. 7.)

And more recently it has been declared that, "In organized societies the degree of liberty among human beings is measured by the right to own and manage property, to buy and sell it, to contract." (Garber, "Of Men and Not of Law" 34 (1966).)

Now one, certainly, is justified in asking whether all these assertions are mere examples of holiday rhetoric or whether they actually do epitomize the lifeblood of freedom and the building blocks of a free society and economic stability.

A close examination will reveal that it was the right to sell, to give away, or even to dissipate one's interest in property that enabled the serfs and villeins of the feudal period to emerge from their servile status to the status of freemen.

Maybe it doesn't appear that there is any need to go back to that, but I think there is. It puts us right in our present predicament.

The men who occupied the land and tilled the soil were referred to as freemen even in the feudal period, but then, as is true in the minds of some men even now, freedom had become deeply involved in semantics. A freeman in that period could not transfer his holdings, which in practical experience meant he could not cash in on the fruit of his own labor without the consent of his lord, his lord representing an ascending political hierarchy with the crown, in other words the state, as the ultimate authority.

Of course the lord was under a similar burden so far as his efforts to transfer his own holdings were concerned. But his position was different in that his holdings were larger and of a higher order. He was economically secure and had a comfortable income.

It was the fellow who had the least that was under the heaviest burden for until the man higher up let loose, there was nothing available for the man on the bottom to acquire. And whether a clog on the right to sell is labeled a medieval doctrine of feudal tenure or a Civil Rights Act of 1966, its effect in the marketplace will be the same and the man at the bottom will still be the loser.

Of course it must be recognized that during the feudal period there were restrictions upon the right of inheritance, use, and other

incidents of property ownership as well as upon the right to transfer. But the point to be made here is that the right to sell was the particular right that held the center of the stage, and until that right was achieved, political freedom and the whole gamut of civil rights, that we like to talk about so much, lay dormant, and it will become dormant again. And that right to sell, that economic mobility, or in the jargon of the profession that freedom of alienation, soon became the chief factor in the development of individual freedom of all kinds and it stimulated the economic development of property.

When the occupant of land became free to sell at a price agreeable to him without seeking the consent of his lord and without paying a fine to his lord for having done so, he began to take on the coloration of a freeman in the true sense of that word.

This might sound rather obvious to us, but we should remember that that right to transfer land has not prevailed throughout the world and has not prevailed throughout history. But where it has prevailed happens to be that particular area of the earth's surface where the better things of life we might say, the comforts, have been developed.

Ownership took on new meaning. It included a power to cash in as well as a power to use. And when that freedom was obtained men no longer remained serfs, they no longer remained slaves, and the economy no longer remained static. It is no mystery that the real beneficiaries of this political and economic transition were those who possessed the least, it was the "have nots" rather than the "haves."

With free economic mobility the fellow at the very bottom of the heap could exchange his services for a share in what was held by the man near the top. In this system of free exchange, not only was there no necessity for serfs or slaves but there ceased to be any place for parasites. Property tended to shift to those who put it to the most economic use. And there emerged the day of plenty which, although it is unique in the history of the world and is to this day confined to a comparatively small part of the earth's surface, it is so taken for granted in this country that we tend to forget its source.

But this personal liberty to deal in, dispose of, and profit from ownership of property did not come at a single stroke nor will it be lost at a single stroke. Its coming was a step-by-step process in which each step was characterized by a bitter struggle. Those who are already wealthy, who are already entrenched, who "have it made," are more likely to be interested in preserving their holdings than they are in searching for easier means of transferring it. But unless that right to transfer is recognized and is readily available, the "have not" fellow has little opportunity to improve his lot. The legal history from the feudal period into the industrial economy of our present era can be quite accurately described as a struggle for an expansion of the rights of property ownership available to the individual and it can be asserted with a high degree of confidence that if we retreat back into a lethargic age of tyranny, it will be a step-by-step surrender of those same personal rights. And let no one forget that it is a personal right that we are dealing with in title IV. It is the right of an individual to deal with the fruits of his own labors in the way that seems most pleasing to him. And if he is not free to sell that which he acquires, he will be much less interested in acquiring it. If the restrictions imposed by title IV are imposed upon the ownership of property, it is inevitable that there will be less incentive to acquire, build, and develop. This means that there will be less housing and you will not improve the housing of Negroes or anyone else by reducing the total amount of housing available.

You might point out to me that title IV doesn't take away the right to sell, that it takes away only a limited part of that right, that is to say the right to select one's own customers, and that is true. But how much have you withdrawn from the rights of a prospective seller when you have withdrawn or even restricted his power to choose the persons with whom he deals?

There is a 1965 decision in the North Dakota Supreme Court [*Holien* v. *Trydahl*, 134 N.W. 2d 851 (N.D. 1965)] that casts some light here. It held that freedom to select one's customers was such an inherent part of ownership that an arrangement entered into by the voluntary act of private parties requiring an owner, even though offering his property to a particular person before being permitted to sell to anyone else, was void.

In the North Dakota case the restriction wasn't imposed by the State. No principles of constitutional law were involved. Nevertheless the North Dakota Supreme Court considered even this mild restriction on the power to select one's own customers such a state of ownership that it was not to be tolerated in a free society, even where the parties so desired.

It is doubtful if very many of our courts will go quite as far as the North Dakota court did, but it does illustrate the importance at least some judges have attached to the doctrine of economic mobility.

Title IV proposes, not only to permit a much greater restriction on the freedom to select customers, but to impose that restriction without regard to the wishes of the parties.

Now to say that a provision such as title IV will discourage building, and thereby make less housing available is no idle guess. Any kind of building, whether it be individual homes or apartment houses, calls for a substantial investment. It requires the assumption of substantial responsibility.

There will always be some people who will prefer the relative calm of remaining a tenant to the responsibility and uncertainty involved in ownership. And the tenant by preference group will necessarily be enlarged by anything that increases the risks of ownership without offering commensurate hope of reward.

There are a number of States, as you gentlemen are all well aware, that already have laws similar to title IV, although I do not know of any that is quite so broad in the extent of its coverage. I have not heard or read anything to indicate that housing is any more readily available to minority groups in these States than it is elsewhere. Nor should anyone be surprised at that.

The so-called ghettos, where members of a particular racial or religious group are congregated in large numbers are not brought about by the refusal of landowners in other areas to sell to the members of that racial or religious group. The thing that prompts a free man to sell is his own self-interest, and the price he receives is far more important in the marketplace than is the racial characteristics of the person from whom the price is being obtained.

Some of the high concentrations of a particular racial or religious group have developed because the members of that particular group chose to live near each other. Others have developed because the members of conflicting racial or religious groups have moved away. This tendency to move away until the minority becomes the majority is probably the biggest single factor in the development of what is popularly known as ghettos or ghetto areas.

I believe that each one of you can confirm that within your own experience, if you will just take a serious look at the Negro sections of the cities with which you are familiar—not what I say, not what you read, not anything else. Just look at those areas with which you are personally familiar and I dare say that you will find very few if any that have developed because of a refusal of persons outside that area to sell to Negro customers.

What you are more likely to find is that a once thriving white population has moved away. That is precisely what is happening in New York City, especially Manhattan at the present time. And New York City was one of the first, if not the first, localities in the country with a so-called fair housing law. And although it started in the city, it was soon extended to the whole State.

There is no evidence that I have been able to see anywhere that the statute has had any effect on the continued tendency of Negroes and Puerto Ricans to become concentrated in particular areas. Title IV makes no provision for preventing whites from moving away from these areas. We may say it would be sad if it did, but it doesn't. And yet this tendency to move away, not the tendency to keep others from buying, appears to have been the principal factor in the development of the existing ghettos.

But even if the freedom to select one's own customers should be considered less important than I have indicated, and if it did not have any depressing effect upon the economy and did not curtail the total housing available, the question still remains as to whether title IV will make it easier for a Negro or member of some other minority group to purchase appropriate quarters.

I should like to reduce that to very simple terms and discuss it from the point of view of a homeowner who is ready to sell his house and has listed it with a real estate broker. When a prospective buyer presents himself, there are many factors to be considered and many reasons might arise as to why the seller does not wish to deal with that particular buyer. The most important of these is usually the buyer's financial position.

Concerning that one item, uncertainties and doubts might arise that cannot be objectively demonstrated, but which are sufficient to discourage the seller, who will then choose not to deal.

Or on purely subjective grounds, but for reasons sufficient to himself, the seller might suspect that the buyer has such a personality that he will be difficult to deal with on the matter of the transfer of possession, condition of the premises at the time of transfer, or some other relevant circumstance of that sort. For any one of these reasons, or for no reason at all, the seller might elect to do business or he might elect not to do business with that particular buyer who has presented himself.

If title IV becomes law, how have you changed the situation? If title IV becomes effective, a potential seller will be in precisely the same position as we have described, except for one thing. In his mind now all customers, all prospective buyers, are divided into two groups. In the usual situation, for this is the main target of the limitation one group will be whites and the other group will be Negroes. Let's say that our particular seller is unconcerned as to the race of the buyer, but he is still interested in these various objective factors previously mentioned.

Title IV tells him that if he rejects a white buyer for whatever reason, no explanation will be called for. But if he rejects a Negro buyer, he will subject himself to possible litigation, and the necessity of proving that the Negro was not rejected because of his race. What kind of proof will he present?

As already indicated, many of the usual reasons for refusing to deal with a customer are subjective, and they are not susceptible to judicial proof. But even if our seller succeeds in his proof, he will have been subjected to troublesome, embarrassing, and expensive litigation, in which no good citizen desires to become involved. Faced with this situation, with these two groups and these two prospects, what is the seller most likely

to do? If he is at all prudent, he will avoid seeing any colored buyers.

Now I realize that the proposed law prohibits this, but such a provision just can't be enforced. It has been analogized by some people before this committee as being somewhat similar to the prohibition, but I think that is treating it too fairly. I would say it is much more analogous to a law prohibiting a man from kissing his own wife in his own home after dark. Anyone who knows anything about the buying and selling of real estate knows how easy it is to avoid offers he doesn't want to receive.

One method that I am told is currently a common practice in some areas where State laws similar to title IV are already in effect is that of managing not to be at home when the broker shows up with a Negro to look at the house. There are many ways that this can be done and still be absolutely immune from the detection by even skillful investigators.

But this is only one method of never receiving this unwanted offer, and while it has some practical shortcomings, I assure you that there are lots of ways that can be used, and no broker's office need be confined to any particular scheme.

The important thing here is what title IV has done to the Negro. The seller in our illustration had no objection to selling to Negroes. In the absence of title IV, he would have had no objection to seeing them or selling to any one of them who otherwise met with his approval. But now the danger of litigation that has been forced upon him is going to force him into searching for devious ways to avoid ever receiving the offers that he would have otherwise been happy to receive and possibly have been happy to accept.

Or let's take another illustration. There is the university professor who takes a year's leave of absence, in order to accept a temporary appointment at another institution as a visiting professor. He plans to move his family to the new location for 1 year. He would like to rent his house, and he has no objection to renting it to a Negro. But he wants to be reasonably sure that he can trust the tenant to take reasonably good care of his furniture.

He also knows that if he rejects a prospective tenant who happens to be a Negro, he might be called upon for the same kind of proof that was demanded of the seller in our previous illustration. But here the real reasons are likely to be even more subjective and less susceptible of proof than they were when a sale was involved.

As a result, the professor is likely to employ some scheme similar to that used by the seller, or he might decide to avoid the difficulty by leaving his house vacant for the year.

If he chooses the former, a prospective Negro tenant has been deprived of the opportunity to bid on an accommodation that was actually on the market. If he chooses the latter, there will be one less housing unit in that city that year than would otherwise have been the case. In one instance, Negro tenants are the losers, and in the other, all tenants, both Negro and white, are losers.

Someone might ask "what about the seller who refuses to sell for no reason other than the race of the buyer?" We must assume that some sellers of that type do exist, but I would suggest that any estimate of their number is likely to be based more on emotion than it is on fact.

It should be pointed out, however, in order for them to exist at all, there will have to be a seller who is more concerned about the race of his buyer than he is for the purchase price that he receives. I doubt if there are very many sellers who are that oblivious to the power of the dollar. But even if they exist in large quantities, they will always have available to them all the devious subtleties employed by the nonprejudiced sellers who are merely trying to avoid exposure to litigation. Their apprehension will be next to impossible.

If title IV becomes law, it is going to have two significant effects, in my judgment. It is going to discourage building, and it will deprive the members of minority groups of opportunity to compete for the housing that remains available. The entire bill, gentlemen, should be rejected.

Mr. HOLLAND. Mr. President, there are, of course, many quotations from the statement which I think might be of some interest for me to advert, but let me read this one excerpt:

Or let's take another illustration. There is the university professor who takes a year's leave of absence, in order to accept a temporary appointment at another institution as a visiting professor. He plans to move his family to the new location for 1 year. He would like to rent his house, and he has no objection to renting it to a Negro. But he wants to be reasonably sure that he can trust the tenant to take reasonably good care of his furniture.

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Mr. President, there is so much good "meat" in this statement that I invite all Senators to read it in full.

Mr. President, in concluding my remarks today I want to make it very clear that the Senator from Florida is perfectly competent and perfectly willing to talk in his own language for a good deal longer than I have been speaking today in opposition to the proposed amendment to the pending bill.

I have chosen, instead, to place in the RECORD this expression from a world citizen—that is, Mr. Pat Chung, a citizen of Jamaica, but a man of complete Chinese blood, dwelling upon the general problems which we face in this country and, particularly, upon the fact that Negro leadership has been, so far, unsound and, so far, unsafe in much that it has done in the past 2 years.

The Senator from Florida has twice, in the last few days, commented on statements made by Dr. Martin Luther King, who once received a Nobel Peace Prize, but who now seems, for some reason not made clear yet—but probably through the desire to retain his threatened leadership—to propose to do something very different, in coming to this city, in camping in here, as he terms it, in the building of shanties, in the erection of tents, in the bringing of thousands of people here from other areas of the United States, in an announced intention to disrupt the Government and the Congress, and to make it impossible for us to transact normal business.

I think the statement of Mr. Chung, a friendly but disinterested observer looking at us through the eyes of a Chinese-Jamaican, may perhaps do us some good in making us realize how very false has been the leadership of so many Negro leaders. Unfortunately, it is reaching out now to affect persons who, at some time in the past, had views which were much sounder in what they advised citizens of their color to do.

When we find this general tendency on the part of Negro leaders to bid now for the support of violent Negroes, who want to burn, who want to destroy, who want to do everything that means a violent disruption of American life, that leadership is unsound, and should certainly be avoided by the great majority of Negroes who are law abiding, and many of them property owners.

Mr. Chung, in the statement in his book, made it very clear that violence and destruction in the great cities—and I am glad the Senator from Michigan is in the Presiding Officer's chair at this time; he refers to Detroit—has been directed largely against the Negroes themselves, and particularly occur against law-abiding Negroes and property-owning Negroes, where great losses have been sustained by them. Why? Because their leadership has been so false and unsound.

I am glad we have this view of our situation here as presented to us in this book by Mr. Chung.

Now with reference to the testimony given by the two able law professors from New York University, Mr. President, I want to call attention to the fact that they have not hesitated to speak out. They come from an area that is particularly affected by reason of the destruction and violence of this leadership. They have not hesitated to speak out to make it very clear that what is proposed in this legislation would take away and destroy very precious personal rights, without due process of law, and in complete violence to our American system.

Mr. President, there are millions of people in this country who feel just that way. When the matter has been voted upon in Seattle and Tacoma and the State of California, and the results have been against open-housing legislation in those areas, it clearly indicates that it is not just southern property owners who are affected by this matter.

I want to say something like what I said when we argued the earlier civil rights bills. You do not know it, I say to the Senator from Michigan, but it is true that your own white people and your own law-abiding Negroes are going to be much more adversely affected by this legislation, if it passes, than will be the case in the South. So far as the South is concerned, we have well recognized the patterns of residence.

We have had frequent instances in late years that our Negro citizens prefer to continue their children in Negro schools. We have had frequent instances showing they want to preserve their State

Negro university as such. We have had repeated invitations to the dedication of new facilities for private Negro colleges. I have had two such invitations in the last few weeks, one for a Negro institution moving from St. Augustine to Miami, set up there in very pretentious buildings, where they can do a much better job than they had been able to do before, and the other likewise a Negro institution at Daytona Beach, which has done very fine work, and I commend them for it.

Incidentally, I may say to the Senator from Michigan that on the morning that I was getting ready to set out, with my family, to go to the State capitol to be inaugurated as Governor, a choir from Bethune-Cookman College got up before dawn to come 100 miles, or whatever the distance was—I think it is a little over 100 miles—to serenade us outside our door and to bid us goodby and to state their good will.

We have had repeated evidences of these good relations which exist between our colored people and our white people, and the pride our colored people have in the existence of their own institutions and in the education of their own trained men and women, who prefer to teach in those institutions.

Mr. President, anybody who thinks these so-called civil rights bills are going to deeply disturb the pattern of living in the South just is not conversant with the feeling of our people down there. I say this in all good humor to the Senator from Michigan. He is going to find, just as developed with respect to the other bills passed in the last 10 years, which did nothing for the northern Negroes, and which were followed by the violence and disruption and the burning and all kinds of crime in the northern cities, if this bill is passed it is going to give much more trouble in his own area than in ours. I wanted to be on record in predicting that, in perfectly good humor, because that is what I see in this legislation. It is inconceivable to me that the Senate should pass it, particularly this amendment, in the form it is in.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Does the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. HART. I appreciate the courtesy of the Senator from Florida in yielding to me for a brief comment, and I appreciate the willingness of the distinguished acting majority leader, the Senator from West Virginia [Mr. BYRD], to assume the chair when he sensed that the Senator from Michigan might want an opportunity to react to the comments of my good friend from Florida.

I have no illusions of ever being able to persuade the Senator from Florida to support the housing amendment that is pending or, indeed, the basic worker protection bill.

I think a good many of us from the North have tried to make clear, and I rise only to make the effort again, that we acknowledge that discrimination exists North and South alike. No region is free of it. It, I think, takes differing forms, and even here we incline to oversimplify.

I think in the South one could say it is a little more hard nosed, a little more direct, and involves differing areas of community life than in the North. In the North—and I regret to say this, but I feel it to be true—it is a little more sophisticated. If you are on the receiving end of it, I do not know which would be crueler, but I am very fortunate, by accident of birth, that I will never know, because I am a white man.

In the South, as I read the record, the frustration, the concern, centered on the rejections on occasion that occurred around voting places and in restaurants. In the North it most frequently shows up at the hiring hall—and the trade unions are not immune from this criticism, any more than employers—and residential housing.

The areas where the problem surfaces are different, but the reason for it is everywhere the same, and the position that I feel that Congress, speaking for America, should take should be the same for all of America. The Housing amendment offered by the Senator from Minnesota [Mr. MONDALE] and the Senator from Massachusetts [Mr. BROOKE], for example, indeed does affect the North in a far greater degree than the South. Again, I hate to have to admit this, but the reason we do not have as much steam and enthusiasm in 1968 for a civil rights bill that we had in 1964 and 1965 is that all of a sudden people in my State know we are not talking about Mississippi, we are talking about next door. But our reaction should be the same as we have been preaching it should be over the years. We should simply make a flat commitment that nobody should be required to run a litmus test of color or religion or national origin when he seeks to buy a home.

Does this destroy the notion that my home is my castle? Well, that notion comes more out of romance than law, to begin with. Anglo-Saxon and old English law made very clear that one was restrained in the disposition of his property, even with respect to his own bloodline.

I never understood the rule very clearly, but it had something to do with restraints against alienation, or the rule against perpetuities. I was not a master of it in law school, and I certainly am not now; but I know the basic proposition is that even as to your own kin, public policy judged that there were certain things you were not free to do with your own property.

The amendment now pending is premised on the same approach: That the public good requires and community stability will be advanced if we state that you cannot, with respect to the disposition of your property, run a color test or a test of religion. I think we would all be better off if this were our national position. It would conform much more closely to what we preach we stand for.

I return to the note I sought to sound early in this debate after the offering of the pending housing amendment: I am a very poor witness in support of a housing bill. As I say, I, by accident of circumstance, would never have any problems, if I had the money; unless I ran into a householder who hated politicians, I probably would be able to make my purchase.

The fellow who should be on the floor of the Senate urging us to adopt the housing bill is a Negro—a Negro who has done all the things that teacher and church and home taught him to do. He has worked hard all his life, and he has saved his money. He seeks to give his children the opportunity to live in a better neighborhood. He goes out one day to buy the house. He comes back that night and how does he tell the children that he was not able to make the buy? How does he explain that? And what kind of reaction will those children have?

This is the witness we should be listening to, as we approach a vote, not even on the merits of the amendment, unhappily, but on the proposition, Shall we be permitted to vote on it?

As I say, I am grateful to the Senator from Florida for yielding to permit this reaction. I know the depth of his conviction, and its sincerity. Though our view of the problem is very different, I have never doubted for a moment that the Senator from Florida speaks exactly what he thinks is in the best interests of this country.

Mr. HOLLAND. I thank my friend. I accord to him just as much sincerity and decency as he has graciously shown to me; but I think I know a little more about the situation than he does.

I was raised in a community where white and Negro people have lived together in peace throughout the 75 years of my life, and where the first indication of real trouble—not in my own community, but in some other communities of Florida—has come since this agitation has been going on, and since some of these bills have been passed. There has been very little trouble in my State. It has been inconsequential as compared with what, for instance, has happened in Detroit. We have had no general destruction in any town. We have not had a loss of life, that I am aware of, from this cause in any town.

We have had a few demonstrations. I have been picketed a time or two myself; and I have smiled about it and kidded them about it, and it ended without any real trouble. The picketings have not taken place in my own home, or in any other typical Florida town, but at the State university, where we have a good many who have come from outside, and a good many of these long-haired, bearded individuals who know so much more about life and how it ought to be lived under the American system than the Senator from Michigan or myself, or anybody else in the Senate.

We have to take these things in good nature. I propose to continue to do so. But I am not going to permit, by anything that I do, a law such as this to be proposed, seriously considered, or even passed without my expressing my very sincere opposition and my fear that it will be a troublemaker of the gravest sort, if it should be enacted.

The Senator from Michigan, I am sure, would do exactly the same. If legislation were proposed which, in his conscientious judgment, would be a troublemaker for our Nation and for the area in which he

lives, I am sure he would be on his feet fighting such a law.

That is the way I feel about this proposal. I think it is very bad. I think it is entirely unnecessary. I believe the Negroes have made great progress. I believe, as stated by Mr. Chung in his book—and I hope the Senator will read at least all of the chapter about the United States, which country the author admires so greatly and praises so highly—that the Negroes in this country are happier and more prosperous, have more opportunities, and have a better chance than Negroes have been given anywhere else, and that their leaders ought to tell them that, because they know it to be so. Those leaders happen to be among those who have had those opportunities and have enjoyed the prosperity, and they should be advising their followers more soundly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, some men fought for 7 years to make America free. And despite the feeling of those who oppose unlimited debate on this subject, I intend to do everything allowable under the Senate rules to keep America free. I shall oppose this amendment.

James Madison said:

> The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether one, a few, or many, and whether hereditary, self-appointed, or elected, may justly be denounced as the very definition of tyranny.

The Founding Fathers recognized that. Thomas Hobbs spoke the truth when he said:

> Freedom is political power divided into small fragments.

Consequently, our Founding Fathers drafted a Constitution which divided the powers of government between the Federal Government on the national level and the State governments on the local level. And they left to the States the power to regulate all contracts to convey real estate and all conveyances of real estate.

I read the following from volume 11 of American Jurisprudence at page 331:

> From the general powers heretofore stated, it naturally follows that all instruments affecting the title to real estate, no matter what their nature, must be governed, as to their execution, construction, and legal sufficiency, exclusively by the laws of the state in which the real estate is situated.

So far as I have been able to ascertain, there is not a single decision of any court which declares that Congress has the power to regulate the conveyance of real estate or contracts to convey real estate.

The pending forced housing amendment undertakes to transfer from the 50 States of the Union to the banks of the Potomac River, and to one man on the banks of the Potomac River—namely, the Secretary of Housing and Urban Development—the power to control the transfer of real estate in every locality in the 50 States. And it proposes to do it under a system which denies to all the landowners in America the right to have access to courts of law and trial by jury for the establishment of their rights.

To be sure, it contains a little provision to the effect that after the Secretary has found the facts and rendered a verdict, one can go to the courts. However, the courts will be powerless to change his findings of fact if they are supported by evidence, no matter how conflicting the evidence may have been and no matter how overwhelming the evidence may have been in opposition to his findings.

Anyone who has practiced law knows that the important thing in a case is the findings of fact or the verdict. And if anyone will let me write the verdict, I do not care who writes the judgment, because the judgment has to be based on the verdict.

This is one of a series of bills which bear the beguiling name of civil rights bills. Every year Congress meets, and men stand before the Nation and say that the minority race can be transported on flowery beds of ease to a more abundant life by the passing of these so-called civil rights bills.

We have passed them and the people that were supposed to be transported on flowery beds of ease to more abundant lives without exertion on their part have not been so transported.

While I do not profess to be an authority on the subject, I honestly believe that much of the violence and rioting that we have had in our cities has been prompted by frustration growing out of the assurances of the advocates of such bills that these bills could transport these people without exertion on their part to more abundant lives.

Anybody who claims that we can legislate any man by means of a law to a more abundant life is either fooling himself or trying to fool somebody else. It cannot be done. The only way that any people can achieve a more abundant life is by their own exertions, and their own sacrifices. And, as I say, anyone who maintains the contrary is either fooling himself or trying to fool somebody else.

The proponents of the Mondale amendment hold it forth to the people as something that will revolutionize America and lift people out of the ghettos.

We already have proof of the fact that there is no soundness in any such assertion. At this moment while I speak, 60 percent of all of the people of America live in areas which are covered by what some people call fair housing laws. However, these laws can truthfuly be described as forced housing laws. The worst ghettos we have in America and the worst scenes of rioting we have had in America have been located in areas where such laws are in existence, and in some cases have been in existence for many years.

So we come here promising the patient that we are going to cure him with another dose of the same medicine he has been taking, which has not in any way alleviated his unfortunate condition.

To my recollection, the people of the United States, whom we are supposed to represent in Congress, do not favor fair housing laws, or forced housing laws, whatever you choose to call them. In every instance—North, South, East, and West—where the people have been permitted to vote on the question of whether they would have fair housing laws in their States or in their communities, they have rejected such laws. And the Senate of the United States would be going against the popular will of the people as thus expressed if it were to adopt the Mondale amendment.

No one has been impressed by the chaos, which the passage of such an amendment would engender in the area of land titles in the United States. Virtually every State in the Union has what is called a statute of frauds, which requires that all agreements and conveyances relating to land titles shall be in writing and shall be signed by the owner or by his duly authorized agent. I read such a statute from the North Carolina General Statutes, section 22–2:

> All contracts to sell or convey any lands, tenements, or hereditaments, or any interest in or concerning them, and all leases and contracts for leasing land for the purpose of digging for gold or other minerals, or for mining generally, of whatever duration, and all other leases and contracts for leasing lands exceeding in duration three years from the making thereof, shall be void unless said contract or some memorandum or note thereof be put in writing and signed by the party to be charged therewith, or by some other person by him thereto lawfully authorized.

This statute and similar statutes in virtually every one of the other 49 States were passed to prevent the perpetration of frauds in respect to lands. They outlaw oral contracts as set out in the statute in order to prevent the perpetration of fraud. The Mondale amendment would nullify that statute and similar statutes in the other 49 States and would make the titles of land dependent upon oral offers to sell and even upon oral refusals to sell.

If we are to have any development in this country in the way of building upon lands, we will have to have one place where everyone can go to view the evidence of title and determine whether he can obtain a valid title to the property he seeks to acquire and upon which he seeks to build.

So we have laws, such as another North Carolina statute, in all 50 States. I read from section 47–18 of the General Statutes of North Carolina:

> § 47–18. Conveyances, contracts to convey and leases of land.—(a) No conveyance of land, or contract to convey, or lease of land for more than three years shall be valid to pass any property as against lien creditors or purchasers for a valuable consideration from the donor, bargainor or lessor but from the time of registration thereof in the county where the land lies, or if the land is located in more than one county, then in each county where any portion of the land lies to be effective as to the land in that county.

This statute was passed in North Carolina, and similar statutes were passed in all the other States of the Union, so that a man could search the recorded evi-

dence of titles and determine whether or not he could acquire a valid title to the land he desired to purchase or the land upon which he desired to take an encumbrance. But under the Mondale amendment, these statutes would be nullified, for all practical intents and purposes, in all 50 States; and since the title to land would be made to hinge, under the Mondale amendent, on oral offers to sell or oral refusals to sell, there would be no place that any person could ascertain with any degree of certainty whether he could acquire a good title to a piece of land which he proposed to purchase, if the land contained a residence or was susceptible of development for residential purposes.

This is the chaos which the Mondale amendment, if adopted, would introduce into land titles throughout the United States. It would transfer to the Federal Government powers which the Constitution and our system of government leave to the States. And it would do so on a strange pretext.

The gist of the Mondale amendment can be summed up in the words which appear on page 4 of the amendment, which would make it unlawful "To make any oral or written notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference based on race, color, religion, or national origin."

What evil is there in a man preferring to sell or rent his residential property to a person of his own race or of his own religion?

The argument has been made on the floor of the Senate that we have white residential neighborhoods in the United States because of prejudice entertained by the people who reside in such neighborhoods against people of other races or because of similar prejudice entertained by real estate agents who sell property in such neighborhoods. I believe that argument is unsound.

In all areas of the country I have visited, I have noticed that where people are left free to select associates for themselves and their children of tender years, they virtually always select as their associates members of their own race. I have noticed that Members of Congress of Caucasian ancestry, both those who advocate the adoption of the Mondale amendment and those who oppose it, elect to live in communities inhabited by members of their own race. I do not think this comes about as a matter of prejudice. I think it is entirely in conformity with the natural law that like tends to seek like.

I say this further: Even if you assume there is something wrong in preferring to sell or lease your residential property to a person of your own race, it is necessary for the Government to allow people to continue to do so if they are to have any freedom. If a man is to be told by the Government to whom he can sell or lease his property, then he has no freedom. If a man has no freedom to choose to do wrong as well as right, he has no freedom whatever.

Mr. President, this is an attempt to destroy one of the fundamental freedoms of the American people, and that is the right of private property.

Property does not consist merely of the physical thing to which one may have title. It consists of all the attributes of that thing, such as the right to use it as one pleases, the right to lease it as one pleases, and the right to dispose of it as one pleases.

This is an attempt to destroy the basic property rights of all Americans. It is proposed to rob all Americans, 200 million Americans of all races, of a basic right, in the expectation that such action will make them forget race or religion and live in integrated fashion. This has not happened among the 60 percent of our Nation where these laws are now in effect.

I am against this bill. I am against it because I believe the supreme value of civilization is the freedom of the individual, the freedom of the individual to do what he wishes to do with his own, regardless of whether it may suit some people in political office, and regardless of whether it suits some of these pressure groups which are constantly and unceasingly demanding that all Americans be robbed of their precious personal rights in order that they might impose their wills upon them.

This bill, which would transfer from the 50 States and the innumerable localities throughout the United States, to the banks of the Potomac, the power to control not only all sales and leases of residential property, but also the power to compel the financing of purchases of land is the most serious assault on the liberties of our people that has been presented to the Congress since I have been a Member of the Senate. I am opposed to it.

Mr. President, a great Virginian, Woodrow Wilson, who understood American government and its purposes better than anyone who ever occupied the Presidency, said this:

> Liberty has never come from the government. Liberty has always come from the subjects of it. The history of liberty is the history of the limitation of governmental power and not the increase of it. When we resist, therefore, the concentration of power we are resisting processes of death because concentration of power is what always precedes destruction of human liberties.

This amendment is an attempt to concentrate the greatest power in Federal Government of any measure ever proposed to the Congress, and as Woodrow Wilson said, illustrates the truth that the concentration of power is what always precedes the destruction of human liberties.

Under this amendment the Federal Government acting through an executive officer, would assume judicial as well as executive powers, dictate to the American people to whom they could sell their property, and to whom they could lease their property, and dictate to every financial institution in the United States what property they had to finance. I cannot imagine anything that would be more destructive of the right of the people of this land to manage their own affairs than the Mondale amendment.

I have noticed since I have been in Washington that when men seek to rob the American people of their freedom, they always concoct a measure like the Mondale amendment, which denies the right of trial by jury, thereby making it certain that justice will not be done. There never has been a more flagrant example of that than the Mondale amendment.

Under this amendment controversies respecting property in cases covered by the amendment could not be tried in the courts in the localities where the property is located. They would have to be tried by the Secretary of Housing and Urban Development, or his designee. The Secretary is the man who is charged with the responsibility for carrying out the policies of the bill.

He is the man who is given the power to receive complaints, to investigate complaints, to make investigations on his own volition, to make complaints on his own volition, and after he investigates the complaints, then he acts as prosecutor, and while acting as prosecutor he acts as the jury, he finds the facts, and then acts as the judge and imposes the judgment.

Mr. President, if the Constitution means what it says in the third article, that all the judicial power of the United States is vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish, these provisions, which give the Secretary of Housing and Urban Development powers greater than those enjoyed by potentates, are unconstitutional.

It would be a denial of due process of law to place all these powers in a person who has a motive to rule a certain way. It is undoubtedly true that the Secretary of Housing and Urban Development would have a strong motive to rule in favor of the persons who make the charges or in whose behalf the charges are preferred. This is true because, in the first place, the Secretary is charged with the responsibility of administering the provisions of the amendment. He is also charged with the duty of investigating the complaints and of holding hearings on the complaints.

Certainly a man who is charged with the investigation of complaints before he tries a proceeding based on those complaints will reach the conclusion that he was right in the investigation, and will proceed to frame his opinion in harmony with the findings of the investigation. Any person who acts in the capacity of prosecutor should never be the judge; it is contrary to American jurisprudence.

Under the Mondale amendment, the Secretary could also conduct proceedings in secret with the consent of the parties, despite the fact that one of the fundamental principles of the administration of justice in the United States is that courts shall be open at all times.

I read from the opinion of Mr. Justice Black in the case of *In Re Murchison* (349 U.S. 133), omitting some material that is not pertinent:

> We have previously held that such a Michigan "judge-grand jury" cannot consistently with the Due Process Clause of the Fourteenth Amendment summarily convict a witness of contempt for conduct in the secret hearings.
>
> The question now before us is whether a contempt proceeding conducted in accord-

ance with these standards complies with the due process requirement of an impartial tribunal where the same judge presiding at the contempt hearing had also served as the "one-man grand jury" out of which the contempt charges arose. This does not involve, of course, the long-exercised power of courts summarily to punish certain conduct occurring in open court.[2]

The petitioners, Murchison and White, were called as witnesses before a "one-man judge-grand jury." Murchison, a Detroit policeman, was interrogated at length in the judge's secret hearings where questions were asked him about suspected gambling in Detroit and bribery of policemen. His answers left the judge persuaded that he had committed perjury, particularly in view of other evidence before the "judge-grand jury." The judge then charged Murchison with perjury and ordered him to appear and show cause why he should not be punished for criminal contempt.[3] White, the other petitioner, was also summoned to appear as a witness in the same "one-man grand jury" hearing. Asked numerous questions about gambling and bribery, he refused to answer on the ground that he was entitled under Michigan law to have counsel present with him. The "judge-grand jury" charged White with contempt and ordered him to appear and show cause. The judge who had been the "grand jury" then tried both petitioners in open court, convicted and sentenced them for contempt. Petitioners objected to being tried for contempt by this particular judge for a number of reasons including: (1) Michigan law expressly provides that a judge conducting a "one-man grand jury" inquiry will be disqualified from hearing or trying any case arising from his inquiry or from hearing any motion to dismiss or quash any complaint or indictment growing out of it, or from hearing any charge of contempt "except alleged contempt for neglect or refusal to appear in response to a summons or subpoena"; (2) trial before the judge who was at the same time the complainant, indicter and prosecutor, constituted a denial of the fair and impartial trial required by the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. The trial judge answered the first challenge by holding that the state statute barring him from trying the contempt cases violated the Michigan Constitution on the ground that it would deprive a judge of inherent power to punish contempt. This interpretation of the Michigan Constitution is binding here. As to the second challenge the trial judge held that due process did not forbid him to try the contempt charges. He also rejected other constitutional contentions made by petitioners. The State Supreme Court sustained all the trial judge's holdings and affirmed.[4]

Now, omitting some parts not germane, and continuing:

A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that "every procedure which would offer a possible temptation to the average man as a judge . . . not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law."

Mr. President, there is a good deal more discussion on this matter which should be made available to all Senators; therefore I ask unanimous consent that the entire opinion be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[Opinion of the Court No. 45: Argued April 20, 1955; decided May 16, 1955]

IN RE MURCHISON ET AL.: CERTIORARI TO THE SUPREME COURT OF MICHIGAN

"A Michigan state judge served as a 'one-man grand jury' under Michigan law in investigating crime. Later, the same judge, after a hearing in open court, adjudged two of the witnesses guilty of contempt and sentenced them to punishment for events which took place before him in the grand jury proceedings. *Held:* Their trial and conviction for contempt before the same judge violated the Due Process Clause of the Fourteenth Amendment." Pp. 133–139.

"The power of a trial judge to punish for a contempt committed in his immediate presence in open court is not applicable to the contempt proceeding here." P. 137. 340 Mich. 140, 65 N. W. 2d 296, and 340 Mich. 151, 65 N. W. 2d 301, reversed.

William L. Colden argued the cause for petitioners. With him on the brief were *James A. Cobb, George E. C. Hayes* and *Charles W. Jones.*

Edmund E. Shepherd, Solicitor General, argued the cause for the State of Michigan, respondent. With him on the brief were *Thomas M. Kavanagh,* Attorney General, and *Daniel J. O'Hara,* Assistant Attorney General.

MR. JUSTICE BLACK delivered the opinion of the Court.

Michigan law authorizes any judge of its courts of record to act as a so-called "one-man grand jury."[1] He can compel witnesses to appear before him in secret to testify about suspected crimes. We have previously held that such a Michigan "judge-grand jury" cannot consistently with Due Process Clause of the Fourteenth Amendment summarily convict a witness of contempt for conduct in the secret hearings. *In re Oliver,* 333 U.S. 257. We held that before such a conviction could stand, due process requires as a minimum that an accused be given a public trial after reasonable notice of the charges have a right to examine witnesses against him, call witnesses on his own behalf, and be represented by counsel. The question now before us is whether a contempt proceeding conducted in accordance with these standards complies with the due process requirement of an impartial tribunal where the same judge presiding at the contempt hearing had also served as the "one-man grand jury" out of which the contempt charges arose. This does not involve, of course, the long-exercised power of courts summarily to punish certain conduct occurring in open court.[2]

The petitioners, Murchison and White, were called as witnesses before a "one-man judge-grand jury." Murchison, a Detroit policeman, was interrogated at length in the judge's secret hearings where questions were asked him about suspected gambling in Detroit and bribery of policemen. His answers left the judge persuaded that he had committed perjury, particularly in view of other evidence before the "judge-grand jury." The judge then charged Murchison with perjury and ordered him to appear and show cause why he should not be punished for criminal contempt.[3] White, the other petitioner, was also summoned to appear as a witness in the same "one-man grand jury" hearing. Asked numerous questions about gambling and bribery, he refused to answer on the ground that he was entitled under Michigan law to have counsel present with him. The "judge-grand jury" charged White with contempt and ordered him to appear and show cause. The judge who had been the "grand jury" then tried both petitioners in open court, convicted and sentenced them for contempt. Petitioners objected to being tried for contempt by this particular judge for a number of reasons including: (1) Michigan law expressly provides that a judge conducting a "one-man grand jury" inquiry will be disqualified from hearing or trying any case arising from his inquiry or from hearing any motion to dismiss or quash any complaint or indictment growing out of it, or from hearing any charge of contempt "except alleged contempt for neglect or refusal to appear in response to a summons or subpoena"; (2) trial before the judge who was at the same time the complainant, indicter and prosecutor, constituted a denial of the fair and impartial trial required by the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. The trial judge answered the first challenge by holding that the state statute barring him from trying the contempt cases violated the Michigan Constitution on the ground that it would deprive a judge of inherent power to punish contempt. This interpretation of the Michigan Constitution is binding here. As to the second challenge the trial judge held that due process did not forbid him to try the contempt charges. He also rejected other constitutional contentions made by petitioners. The State Supreme Court sustained all the trial judge's holdings and affirmed.[4] Importance of the federal constitutional questions raised caused us to grant certiorari.[5] The view we take makes it unnecessary for us to consider or decide any of those questions except the due process challenge to trial by the judge who had conducted the secret "one-man grand jury" proceedings.[6]

A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that every procedure which would offer a possible temptation to the average man as a judge . . . not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law." *Tumey* v. *Ohio,* 273 U.S. 510,

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[1] Mich. Stat. Ann., 1954, §§ 28.943, 28.944.

[2] *Sacher* v. *United States,* 343 U.S. 1; *Cooke* v. *United States,* 267 U.S. 517, 539; *Ex parte Savin,* 131 U.S. 267. See also *In re Oliver,* 333 U.S. 257, 273–278.

[3] The contempt charge signed by the judge reads in part as follows:

"It therefore appearing . . . that the said Patrolman Lee Roy Murchinson [*sic*] has been guilty of wilfull and corrupt perjury, which perjury has an obstructive effect upon the judicial inquiry being conducted by this court and the said Patrolman Lee Roy Murchinson [*sic*] obstructed the judicial function of the court by wilfully giving false answers as aforesaid, and did also tend to impair the respect for the authority of the court, all of which perjury and false answers given by the said witness aforesaid was committed during the sitting of, in the presence and view of this court and constitutes criminal contempt;

"It is therefore ordered that the said Patrolman Lee Roy Murchinson [*sic*] appear before this court on the tenth day of May, 1954, at 10:00 o'clock in the forenoon and show cause why he should not be punished for criminal contempt of this court because of his aforesaid acts."

[4] *In re White,* 340 Mich. 140, 65 N.W. 2d 296; *In re Murchison,* 340 Mich. 151, 65 N.W. 2d 301.

[5] 348 U.S. 894.

[6] That we lay aside certain other federal constitutional challenges by petitioners is not to be taken as any intimation that we have passed on them one way or another.

532. Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. But to perform its high function in the best way "justice must satisfy the appearance of justice." *Offutt* v. *United States*, 348 U.S. 11, 14.

It would be very strange if our system of law permitted a judge to act as a grand jury and then try the very persons accused as a result of his investigations. Perhaps no State has ever forced a defendant to accept grand jurors as proper trial jurors to pass on charges growing out of their hearings.[7] A single "judge-grand jury" is even more a part of the accusatory process than an ordinary lay grand juror. Having been a part of that process a judge cannot be, in the very nature of things, wholly disinterested in the conviction or acquittal of those accused. While he would not likely have all the zeal of a prosecutor, it can certainly not be said that he would have none of that zeal.[8] *Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer.*[9] It is true that contempt committed in a trial courtroom can under some circumstances be punished summarily by the trial judge. See *Cooke* v. *United States*, 267 U.S. 517, 539. But adjudication by a trial judge of a contempt committed in his immediate presence in open court cannot be likened to the proceedings here. For we held in the *Oliver* case that a person charged with contempt before a "one-man grand jury" could not be summarily tried.

As a practical matter it is difficult if not impossible for a judge to free himself from the influence of what took place in his "grand-jury" secret session. His recollection of that is likely to weigh far more heavily with him than any testimony given in the open hearings. That it sometimes does is illustrated by an incident which occurred in White's case. In finding White guilty of contempt the trial judge said, "There is one thing the record does not show, and that was Mr. White's attitude, and I must say that his attitude was almost insolent in the manner in which he answered questions and his attitude upon the witness stand. . . . Not only was the personal attitude insolent, but it was defiant, and I want to put that on the record." In answer to defense counsel's motion to strike these statements because they were not part of the original record the judge said, "That is something . . . that wouldn't appear on the record, but it would be very evident to the court." Thus the judge whom due process requires to be impartial in weighing the evidence presented before him, called on his own personal knowledge and impression of what had occurred in the grand jury room and his judgment was based in part on this impression, the accuracy of which could not be tested by adequate cross-examination.

This incident also shows that the judge was doubtless more familiar with the facts and circumstances in which the charges were rooted than was any other witness. There were no public witnesses upon whom petitioners could call to give disinterested testimony concerning what took place in the secret chambers of the judge. If there had been they might have been able to refute the judge's statement about White's insolence. Moreover, as shown by the judge's statement here, a "judge-grand jury" might himself many times be a very material witness in a later trial for contempt. If the charge should be heard before that judge, the result would be either that the defendant must be deprived of examining or cross-examining him or else there would be the spectacle of the trial judge presenting testimony upon which he must finally pass in determining the guilt or innocence of the defendant.[10] In either event the State would have the benefit of the judge's personal knowledge while the accused would be denied an effective opportunity to cross-examine. The right of a defendant to examine and cross-examine witnesses is too essential to a fair trial to have that right jeopardized in such way.

We hold that it was a violation of due process for the "judge-grand jury" to try these petitioners, and it was therefore error for the Supreme Court of Michigan to uphold the convictions. The judgments are reversed and the causes are remanded for proceedings not inconsistent with this opinion.

Reversed.

MR. JUSTICE REED and MR. JUSTICE MINTON, dissenting, with whom MR. JUSTICE BURTON joins.

The Court holds that it is unconstitutional for a state judge to punish a contempt, previously committed before him while acting as a so-called one-man grand jury, after a full hearing in open court. It holds that White, in being so punished for his blanket refusal to answer any questions before the grand jury, and Murchison, in being so punished for perjury before the same body, were deprived of their liberty without due process of law.

This conclusion is not rested on any irregularity in the proceedings before either the grand jury or the court. Under Michigan procedure a single estate judge makes the grand jury investigation, not in secret, but with other public officials to aid him, and a transcript is made of the testimony. There is certainly nothing unconstitutional about this. A State may reduce the customary number of grand jurors to one, and impart the investigatory duty to a member of its judiciary if it so desires. Further, the accused is afforded a full hearing in open court, with a statement of charges, benefit of counsel, and a full opportunity to explain his conduct before the grand jury, before being held in contempt. Thus all the requiremenets set down in *In re Oliver*, 333 U.S. 257, are met.

The Court's determination is rested on the sole fact that the same judge first cited petitioners for contempt committed in his presence, and then presided over the proceedings leading to the final adjudication. It is neither shown nor alleged that the state judge was in any way biased. Nor is this required by the Court, for it holds, as a matter of law, that the judge's "interest" in a conviction makes the proceedings inherently prejudicial and thus constitutionally invalid. The fact that the "interest" of the state judge in this procedure is no different from that of other judges who have traditionally punished for contempt leads us to dissent.

In *Sacher* v. *United States*, 343 U.S. 1, we upheld the power of a federal district judge to summarily punish a contempt previously committed in his presence. In that case, after a trial which had extended for some nine months, the trial judge issued a certificate summarily holding defense counsel in contempt for their actions during the trial. There were no formalities, no hearings, no taking of evidence, no arguments and no briefs. We held that such a procedure was permitted by Rule 42 of the Federal Rules of Criminal Procedure which codified the "prevailing usages at law." The Court specifically rejected the contention that the judge who heard the contempt was disqualified from punishing it and should be required to assume the role of accuser or complaining witness before another judge. In *Offutt* v. *United States*, 348 U.S. 11, the Court simply stated an exception: when the trial judge becomes personally embroiled with the contemnor, he must step aside in favor of another judge. That decision was rested upon our supervisory authority over the administration of criminal justice in the federal courts. The Court now holds, even though there is no showing or contention that the state judge became embroiled or personally exercised, or was in any way biased, that as a matter of constitutional law—of procedural due process—a state judge may not punish a contempt previously committed in his presence. This seems inconsistent with all that has gone before.

The Court, presumably referring to the situation in the federal courts, states that the "adjudication by a trial judge of a contempt committed in his immediate presence in open court cannot be likened to the proceedings here." The reason that it cannot, we are told, is because "we held in the *Oliver* case that a person charged with contempt before a 'one-man grand jury' could not be summarily tried." This is hardly explanatory, for the question of whether the hearing is to be summary or plenary has no bearing on the attitude or "interest" of the judges in the two situations, which is indistinguishable. The simple fact is that in the federal courts we allow the same judge who hears the contempt and issues the certificate to punish it subsequently and summarily, but in this case we do not allow such punishment even after a full court trial. The only factual difference between *Sacher* and this case is that the contempt in *Sacher* was committed at a public trial. When the contempt is not committed in open court, we require that the criminal conviction be in public and that the individual be given a full hearing, with an opportunity to defend himself against the charges profered and to make a record from which to appeal. *In re Oliver*, 333 U.S. 257. Petitioners had all this. They are not entitled to more.

We do not see how it can be held that it violates fundamental concepts of fair play and justice for a state judge after a full court trial to punish a contempt previously observed when acting as a grand jury, when it has been held that it is perfectly proper for a federal judge to summarily punish a contempt previously observed in open court. It seems to us that the Court has imposed a more stringent requirement on state judges as a matter of due process than we have imposed on federal judges over whom we exercise supervisory power.

The Court relies heavily on *Tumey* v. *Ohio*, 273 U.S. 510. There we held that it deprives a defendant of due process to "subject his liberty or property to the judgment of a court the judge of which has a direct, personal, substantial, pecuniary interest in reaching a conclusion against him in his case." *Id.*, at 523. It is one thing to hold that a judge has too great an interest in a case to permit the rendition of a fair verdict when his compensation is determined by the result he reaches. It is quite another thing to dis-

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[7] See, *e.g.*, Note, 50 L.R.A. (N.S.) 933, 953–954, 970–971.

[8] Apparently the trial judge here did consider himself a part of the prosecution. In passing on a request of Murchison's counsel for a two-day postponement of the contempt trial the judge said, "There are two points that suggest themselves to me.

"One is that if the respondent is going to claim that he was in Shrewesberry, Ontario, Canada, on March 9, 1954, that *we* ought to be furnished with information so that *we* could between now and two days from now, which I am going to give you, *we* could do some checking and investigating *ourselves*." (Emphasis supplied.)

Because of the judge's dual position the view he took of his function is not at all surprising.

[9] See, *e.g.*, *Queen* v. *London County Council* [1892], 1 Q.B. 190; *Wisconsin ex rel. Getchel* v. *Bradish*, 95 Wis. 205, 70 N.W. 172.

[10] See *Hale* v. *Wyatt*, 78 N.H. 214, 98 A. 379. See also, Witnesses—Competency—Competency of a Presiding Judge as Witness, 28 Harv. L. Rev. 115.

qualify a state judge as having too great an interest to render a due process judgment when his sole interest, as shown by this record, is the maintenance of order and decorum in the investigation of crime—an interest which he shares in common with all judges who punish for contempt.

The State of Michigan has decided that in the administration of its criminal law it is wise to have the investigating power in the hands of a judge. It has also decided that the judge who observes the contempt is to preside at the trial of the contemnor. It does not seem that there is here such a violation of accepted judicial standards as to justify this Court's determination of unconstitutionality.

We would affirm.

Mr. ERVIN. Mr. President, I say that the Mondale amendment, which charges the Secretary with the responsibility to enforce the law, which vests in the Secretary the power to receive and make complaints, which vests in him the duty to investigate, which vests in him the power to determine whether a proceeding or a trial should be had, and which vests in him the power to act as prosecutor, jury, and judge, makes it certain that justice will not rule. It would constitute a denial of the due process of law because he would have an interest in rendering a decision contrary to the landowner.

If we want to resist the processes of death described by Woodrow Wilson, we must strike down this tremendous effort to centralize in the Federal Government in Washington the power to control the sale, leasing, and financing of residential property throughout the United States.

Mr. President, I shall have other remarks to make on a future occasion on this subject, and I therefore ask unanimous consent that I may be permitted to resume my remarks on a subsequent occasion and have the remarks made today and those made on a subsequent occasion count as only one speech on this issue.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, fair housing legislation for this Nation is long overdue. We have passed laws which guarantee equal opportunities in education and jobs, and equal access to public accommodations, the voting booth and the jury box. The overwhelming majority of Americans believe in the rightness of these laws.

Yet many of our citizens are fenced into ghettos.

Most persons in this country can rent or buy the dwelling of their choice, if they have the money or credit to qualify. But others, even if they have unlimited funds and impeccable credit, often are denied access to decent housing simply because of the color of their skin.

There is a crisis in human relations in America today. Negroes in this country are demanding that they be accepted for what they are—human beings with rights commensurate with their status as citizens of the United States.

Our multiracial society can pursue its dreams in harmonious concord, or it can continue to burn its energy in futile discord. Congress can face the issues boldly and lay down the guidelines for greater cooperation between all members of our society, or it can sidestep the issues, and leave the field open to prejudice and unreason.

Earlier this week, President Johnson said that race riots in our cities are "inevitable" this summer and in future years. I am not ready to concede that they are inevitable. Certainly, we must offer constructive alternatives to racial strife.

Enactment of a fair housing bill will, in itself, not solve all of our problems. But failure to recognize the rights of all our citizens to equal access to decent housing within their means will certainly aggravate those problems.

Solutions to America's racial problems will ultimately be found in the understanding, compassion, and mutual concern among the people themselves. But we in Congress can set the framework for that understanding and compassion. We must lead the way by appealing to man's conscience.

The proposed fair housing amendment would add a second title to the pending civil rights protection bill. With some modifications, it is virtually identical to title IV of S. 1026, the Civil Rights Act of 1967, and to S. 1358, the Fair Housing Act of 1967, on which 3 days of hearings were held last August by the Senate Committee on Banking and Currency. I am a cosponsor of both measures as well as the pending amendment.

The proposed amendment prohibits discrimination on account of race, color, religion, or national origin in the sale or rental of housing. It would be carried out in three stages.

Immediately upon its enactment, the act would apply to housing already subject to the President's order on equal opportunity in housing of November 20, 1962. That Executive order covers federally assisted housing—essentially housing with FHA- or VA-guaranteed mortgages or public housing.

On January 1, 1969, the act's coverage would be extended to housing held for sale or rent by someone other than its occupant and to housing for five or more families.

Finally, on January 1, 1970, all housing except two categories would fall within the scope of the act. Religious institutions, or schools and other agencies affiliated with them, may give preference in housing to persons of their own religion despite the act. The "Mrs. Murphy" clause excludes from the act's coverage dwellings for four or fewer families.

The fair housing amendment also prohibits blockbusting, discrimination in the financing of housing, discrimination in the provision of services or admission to membership by real estate organizations, and interference with or threats against persons enjoying or attempting to enjoy any of the rights which the act grants or protects. These prohibitions go into effect immediately upon enactment of the law.

The Secretary of Housing and Urban Development would administer and enforce the act. During the gradual extension of the act's coverage, he would undertake an educational campaign to acquaint the housing industry and the country generally with the act's provisions.

The Secretary must seek a voluntary solution in every case. If his attempt is unsuccessful, he may issue a complaint, hold hearings, and, if the evidence disclosed that discriminatory acts had occurred, issue orders granting appropriate relief. All orders are subject to judicial review.

A person who believes that he has been injured by a discriminatory housing practice may file a charge with the Secretary. The Secretary does not have to conciliate or issue a complaint on the basis of every charge filed, but if he does not, the complainant may start an action himself in any court of competent jurisdiction.

The Attorney General may initiate suits to enforce the act in U.S. district courts when he has reasonable cause to believe that there is a pattern or practice of housing discrimination, that is, where there is concerted or persistent interference with rights protected by the act.

The act leaves existing State and local fair housing laws in effect. In appropriate cases, the Secretary of Housing and Urban Development may cede his jurisdiction to State and local agencies, or cooperate with them in joint enforcement of Federal, State, and local fair housing laws.

Last year, Pennsylvania's Gov. Raymond P. Shafer signed into law one of the broadest open housing measures in the Nation, which prohibits discrimination in the sale of all housing in the State. At that time, he said:

> What we have done this year is really only part of the beginning—the frame on which we must now put human wisdom and understanding to work in ending the race crisis this Nation faces.

I hope that we can act at the national level with equal courage and wisdom.

Mr. MUSKIE. Mr. President, recent years have seen dramatic progress in providing the American Negro with the rights enjoyed by all other Americans. Laws designed to guarantee equal rights for all in using public accommodations, in education, voting, in employment opportunities, have advanced the Negro in his struggle to achieve the rights which never should have been denied him. The proposed fair housing amendment presently before the Senate is the logical, essential and inevitable next step toward a more complete realization of those rights.

The time is now for Congress to pass a law insuring all Americans an equal choice in their selection of housing. Our technology is capable of producing for us a wide range of opportunities for choices of living patterns that are the principal virtues of metropolitan life, of a free economy and of a technological society. But when those opportunities and those choices are withheld from certain segments of society, they can lead only to social disorganization and chaos.

The fact is, our social structures, and the political machinery which responds to the attitudes of our people, are changing with agonizing slowness. And as the

events of last summer have demonstrated, time is running out. The performance of our society has not kept pace with the promises of the Declaration of Independence and the Constitution.

A number of proposals have been made to cope with this crisis in our society. They have included recommendations for massive investments in the physical resources of our cities, new approaches in terms of private investment, full appropriations for existing programs, and new techniques for the application of our national resources.

The embodiment of all of these proposals is the model cities program. This program provides for a comprehensive, concerted attack on all the ills of a specific community, to eliminate slum and blight, and to engage in physical and social renewal. The Model Cities Act was the result of our realization that we cannot deal with each aspect of poverty separately and expect to achieve any meaningful, lasting results. The aim now is to provide vastly expanded opportunities for the slum resident to help him improve every aspect of his life.

However, we must not deceive ourselves that a completely revitalized model city area, or "golden ghetto" as it has been called, is the final solution to the plight of the Negro. For no matter how livable a neighborhood is, and no matter what social and educational resources it provides, it will be of no help to the resident whose job has moved elsewhere. It will provide no satisfaction to the Negro who would like to move elsewhere but who is forced to remain because he cannot find other suitable housing due to his color.

A critical problem of the core city is the decline of industry. The office buildings which are replacing industry in our cities offer few jobs for the unskilled. Employment opportunities which do arise in our cities are being filled by suburban dwellers who take away much from our cities and contribute little to them. While we can make every effort to retain and increase employment opportunities in the city, we cannot overlook the need for and advisability of the city dweller being able to seek the best possible job wherever it is. The exodus of industry from the city has been a bitter development for the Negro. He cannot afford to commute to the relocated plant and he is denied an apartment to rent or a house to buy in the suburbs simply on the basis of his race. Fortune magazine recently conducted a study which revealed that the majority of suburban towns have experienced next to no influx of Negroes, while the few gains which have occurred have been in towns which had a sizable Negro population to start with. The current Negro movement to suburbia is still far too slow to stem the increasing trend toward black cities ringed by white suburbs.

Americans have long prided themselves on having the freedom to achieve personal success to the extent of one's initiative and ability. For most Americans, the goal and reward of personal endeavor is a satisfying job and a good home. Regretfully, both of these are often off limits to the Negro who is told where he can and cannot live.

It is not enough to eliminate segregation in only certain, select areas of our lives. We must not rest until all segregation is banned, and certainly housing is one of the most serious areas in which it still exists. The Senate hearings on fair housing held last year pointed up time and again that the American Negro is aware of his lack of choice in housing and places it high on his list of priorities where equal rights are concerned. Karl E. Taeuber, in an article on residential segregation for Scientific American, cited a block of exceptional housing built in Harlem by architect Stanford White when Harlem was a white section. After it became a Negro section, the block became known as "Strivers' Row" because so many white collar and professional Negroes sought to live there.

A "Strivers' Row" should not be necessary in this country in this age. No race should be limited by segregation in its choice of housing. No one of any race should have to vie for a home in a few select areas to which it is limited by lack of fair housing laws.

At present, 22 States, the District of Columbia, Puerto Rico, and the Virgin Islands have laws banning discrimination in some kinds of housing. These laws represent some amount of progress in fair housing, but the variations in both content and the extent to which they are enforced from State to State leaves much to be desired. What is needed is a fundamental, national policy applying equally to all parts of the country. Clearly, the responsibility rests with the Congress to establish that policy.

While we seek the long-term causes of civil disorder, while we propose and evaluate and enact long-term solutions, while we appropriate moneys for existing programs, we have at hand the means to make an immediate demonstration of faith to the Negro. It is we in the Congress who should take the lead in securing the fundamental right of fair housing for the Negro in 1968.

In closing, Mr. President, I offer to my colleagues as a pertinent observation for today's discussion, the philosophy of government held by Gov. Joshua Chamberlain of Maine over a hundred years ago:

A government has something more to do than to govern, and levy taxes to pay the governors. It is something more than a police to arrest evil and punish wrong. It must also encourage good, point out improvements, open roads of prosperity and infuse life into all right enterprises. It should combine the insight and foresight of the best minds of the State for all the high ends for which society is established and to which man aspires. That gives us much to do.

FOREIGN TRADE RESTRICTIONS ON U.S. COMPANIES IN CANADA

Mr. BYRD of Virginia. Mr. President, Canadian subsidiaries of American companies are bound by U.S. law and Treasury Department regulations to observe the same restrictions on trading with the enemy as apply to their parent firms in the United States.

They are not permitted to trade with Communist China, North Korea, North Vietnam, or Cuba, and they are restricted from trading in strategic goods with the Soviet Union and the Communist bloc countries of Eastern Europe.

In a report made public yesterday, this U.S. policy was sharply criticized by a task force of economists commissioned by the Canadian Government to study this matter.

The report proposed to end U.S. restrictions on exports to Communist countries by U.S.-owned Canadian companies, and to require all companies, regardless of nationality of ownership, to fill any export order that is permitted under Canadian law or foreign policy. This would mean U.S. companies in Canada would be required to trade with Communist China, or some of the other countries I have mentioned, if an order for exports is received.

Mr. President, I have great admiration for the people of Canada. They have long been friends and firm allies of this country.

But I do want to express my support of the Treasury Department acting with the guidance of the State Department in putting these restrictions on American subsidiaries in Canada.

Our country has suffered more than 100,000 casualties in the last 2 years at the hands of North Vietnam. For the first 6 weeks of 1968, U.S. casualties averaged 2,000 per week. China, the Soviet Union, and countries of Eastern Europe provide the bulk of war materiel going to our enemy in North Vietnam.

I would hope that American companies, wherever they might be located, would voluntarily refrain from trading with these countries. Certainly they should not be required by Canadian law to engage in such trade.

Mr. President, I fully support the Treasury Department in this matter. It has acted to faithfully carry out the will of the American people and the intent of Congress as expressed in the Trading With the Enemy Act.

Mr. HOLLAND. Mr. President, I appreciate the comments of the Senator from Virginia. I feel the same as he does with regard to this subject.

ELIMINATION OF DISCRIMINATION IN HIRING BY CONSTRUCTION TRADE UNIONS

Mr. JAVITS. Mr. President, I want to call to the attention of the Senate the extraordinary development in the trade-union construction field, which has now gotten together to eliminate any residual concept in the public's mind that they are not fully cooperating to make available apprenticeships, journeymen, and other opportunities to Negroes and other minorities in the building-trade unions. There has been a lot of controversy about that. I rise only to wish them well in their effort and to assure them of my full cooperation, and I think that of every other person interested in this matter. I think this is a very desirable development. One does not know how it will work, but certainly we want to give them our encouragement.

I ask unanimous consent that statements from the unions and news reports

on the subject may be made a part of my remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 14, 1968]

EIGHTEEN UNIONS PLEDGE TO SEEK NEGROES FOR BUILDING JOBS—ASSURE LABOR DEPARTMENT THEY WILL TRY TO PREVENT DISCRIMINATION BY LOCALS

(By Peter Millones)

BAL HARBOUR, FLA., February 13.—The building trades unions assured the Department of Labor here today that they would actively recruit Negro members, discuss apprenticeship programs with civil rights groups and try to prevent discrimination by their local unions.

Without setting specific quotas or timetables, the presidents of 18 international unions with 3.5 million members promised to see that more Negroes worked side by side with whites as plumbers, metal workers, crane operators, carpenters and in a host of other trades.

The heads of the building unions have long smarted under frequent charges of job discrimination made by Federal Government and civil rights leaders.

Today they said they would order all 8,500 union locals not only to recruit Negroes for apprenticeship programs but also to provide instruction where necessary so that Negroes could get into apprenticeship programs.

TWO-DAY PARLEY ENDS

The action was taken by the executive board of the Building and Construction Trades Department of the American Federation of Labor and Congress of Industrial Organizations. The board completed a two-day meeting here today.

Up to now, the building trades have largely taken a passive attitude toward Negro employment, concerning themselves mostly with fending off charges of discrimination. In this respect, they carefully point out, they have been like other segments of the community, including many businesses.

In a letter to the union leaders, Secretary of Labor W. Willard Wirtz said:

"When these proposals are carried out, they will, in my opinion, represent a strong and progressive forward step toward answering, once and for all, complaints that building trades unions may not be exerting their best efforts in full support of private and public action to eliminate discrimination on the basis of race, creed, color, or national origin."

At the same time, the Secretary stated that the Labor Department would continue to oversee apprenticeship programs to make sure there was no discrimination. Many of these programs use Federal funds or involve Federal contracts.

The unions have never agreed that they exclude Negroes because of their race. They have said that Negro membership in some trades, such as metalworking, is low because educated Negroes seek white-collar work and those who seek work in the skilled crafts usually lack basic qualifications.

Negroes who are admitted, the unions add, often lack the motivation to remain with an apprenticeship program, which can take as long as four or five years.

The union leaders who announced the recruiting steps today—and missed the sunniest beach day here in a rain-filled week—also made other proposals.

They said they would support existing and future programs in cities that are designed to provide training and jobs for Negroes.

They said that local unions would be encouraged to publicize apprenticeship programs and actively seek out community leaders who had contact with minority groups.

Another proposal is expected to take an approach that is totally new to some local unions. This is the leaders' recommendation that there be "maximum utilization of responsible civil rights organizations willing to join in a cooperative effort" to carry out the apprenticeship program.

A SPUR TO ACTION

The Labor Department has for some time been attempting to spur the building trades into recruiting more Negroes. It has held over the heads of the unions the possibility that some might be banned from federally financed work unless they did more to erase discrimination.

The unions have complained that they have been harassed and that the Government has too often played what they call a numbers game. That is, a union that does not have a certain percentage of Negroes as members is often questioned about possible discrimination, they have said.

The dispute between the Labor Department and the heads of the building trades was said to have reached a peak in the late fall and early winter.

Then Secretary Wirtz and the top trades union leaders took personal command of the dispute, had their own share of arguments and finally agreed on the active steps proposed today by the union.

[From the New York Times, Feb. 14, 1968]

TEXTS OF THE HAGGERTY AND WIRTZ LETTERS ON UNION DISCRIMINATION

(The texts of letters exchanged by C. J. Haggerty, president of the Building and Construction Trades Department of the AFL–CIO, and W. Willard Wirtz, Secretary of Labor, follow:)

HAGGERTY LETTER

The Building and Construction Trades Department, desiring to implement the action taken by its 54th convention which endorsed affirmative action generally and in principle for the purpose of preventing any possible discrimination in the operation of local unions, chartered by its affiliated international unions, proposes to undertake, both directly and through the individual general presidents, subscribing hereto, the following:

[1]

To foster, with the cooperation of appropriate management organizations:

(A) Programs of recruitment of qualified applicants for apprenticeship from the Negro population and other minority groups, and

(B) Programs for special attention to deficiencies affecting the full qualification of Negro and other minority group applicants, if such exist, and remedy the same if practical;

[2]

To endorse and support projects such as Outreach and Leap in those 48 cities where such projects have been undertaken and in other cities where such projects are started in the future, urging local unions to give full cooperation, not only by disseminating information concerning the apprenticeship program to those who operate the project, but also by working actively with the project so that it may be better able to recruit applicants specifically according to the needs and requirements of the apprenticeship program;

[3]

To counsel and urge its affiliates to consider appropriate means whereby suitable minority candidates may be recruited;

[4]

To recommend that apprenticeship programs, sponsored or cosponsored by its local unions, disseminate full information concerning program entrance and necessary qualifications, not only to the Bureau of Apprenticeship and training, but also to one or more sources of potential minority candidates within the community;

[5]

To urge upon all affiliate local unions the social and economic necessity of striving for satisfactory minority participation;

[6]

To recommend that affiliate local unions and joint apprenticeship committees explore mutual problems with appropriate organizations directly representative of minority groups within the community.

Each segment of the industry will adopt this proposal according to its structure and requirements with full recognition of the joint characteristics of the apprenticeship program. There will be maximum utilization of responsible civil rights organizations willing to join in a cooperative effort to effect this proposal with full recognition of the necessity for industry to formulate its requirements for employment and entry in the trade.

We offer this form of public-private cooperation as a means of recognizing and meeting social responsibilities in full and voluntary support of Government efforts to eliminate, once and for all, discrimination on the basis of race, creed, color, or national origin, with the endorsement of the department's executive council.

WIRTZ LETTER

I am gratified to receive your letter of Feb. 1, 1963; in behalf of the Building and Construction Trades Department and subscribing general presidents. In your letter, you express in detail an affirmative action program to eliminate any discrimination in apprenticeship programs, thereby proposing to implement action taken by your 54th convention.

When these proposals are carried out, they will, in my opinion, represent a strong and progressive forward step toward answering, once and for all, complaints that building trades unions may not be exerting their best efforts in full support of private and public action to eliminate discrimination on the basis of race, creed, color, or national origin.

This action of yours is entirely in accordance with my remarks to you at your convention, and I welcome your complete expression of cooperation with the thought that best possible solutions may lie in voluntarism by the unions themselves, in cooperation with appropriate management organizations. This is, indeed, recognizing and meeting social responsibilities in support of Government efforts under law. You are to be commended for the forthright position you have taken.

Meanwhile, in the light of these assurances and in furtherance of my responsibilities under Executive Order 11246 and the Fitzgerald Act, P.L. 75–308 (Aug. 16, 1927), I propose to continue carrying out antidiscrimination provisions concerning apprenticeship, contained in 29 CFR 30, without change or amendment, through the Bureau of Apprenticeship and Training, in accordance with present regulations. Any conflict between governmental action under these regulations and the activities of the Office of Federal Contract Compliance shall be called to the attention of the Under Secretary of Labor for satisfactory resolution.

REGARDING OUR RECENT SETBACKS AND HUMILIATION IN VIETNAM

Mr. YOUNG of Ohio. Mr. President, it is now obvious that we have lost the military initiative in Vietnam—if, indeed, it was ever ours. The Vietcong have been and are on the offensive except at Hue where we have been fighting to dislodge the VC who in late January captured the Citadel and the historic shrines within, including the beautiful and historic palace of the Emperors of Annam of past

centuries and other shrines within the Citadel. It is clear that the military leaders of the forces of the National Liberation Front, the political arm of the VC, have made carefully coordinated attacks, well planned and perfectly executed, and we have been on the defensive.

While in South Vietnam last month, Gen. William Westmoreland, Gen. Robert Cushman, Jr., and other general officers of our Armed Forces assured me that the Vietcong were engaged in a huge buildup in front of our Marine outpost at Khesanh, and that according to our intelligence, an attack on a huge scale would occur a couple of days before the Tet Lunar New Year holiday and that the VC and the North Vietnamese anticipated they would celebrate their overrunning of our forces at Khesanh and thereby make their Tet holiday joyous. Our generals were confident that the forces under their command would successfully defend this outpost at Khesanh. I was informed by our generals that reinforcements of GI's from the interior and southerly part of Vietnam had been brought to the area close to the Khesanh outpost as available reserves to help if needed to repel this attack they were certain would be made shortly before the Tet holiday.

Now it is evident that General Westmoreland has been outgeneraled and outwitted by the Vietcong leadership. There has been no massive attack at Khesanh. Probably none was ever intended by the VC or north Vietnamese forces. Instead, the VC assailed 38 provincial capitals throughout South Vietnam including tremendous attacks in the Mekong Delta and other lush rice producing area. In every area in south Vietnam VC forces penetrated the cities attacked. Our befuddled generals claim we are outnumbered in the south and because of this the Vietcong were able to overrun Saigon and to invade and hold for 6½ hours our huge fortress of an embassy there and to capture and hold other cities attacked including most of Saigon for several days.

If we are outnumbered in the south, it is because throughout all this period our marines, the greatest, most intelligent and best equipped offensive fighters in the world, trained for amphibious landings and spearheading attacks, have been kept on the defensive at Khesanh and other remote outposts south of the demilitarized zone awaiting that huge offensive attack which, of course, did not take place. General Westmoreland and the generals under his command were completely outwitted and outgeneraled by the Vietcong. Our marines detailed to wait and defend and for pacification were given assignments which should have been given to the south Vietnamese forces.

The validity of criticism published some months ago that Secretary of Defense McNamara felt General Westmoreland was not making the best use of approximately half a million Americans under his command, and the 50,000 Koreans, and that too many were engaged in support and clerical duties and too few were engaged in actual combat service is now evident. Far too many soldiers and marines have been and are performing supply, support, pacification and clerical work behind the lines. Too few are engaged in combat, and combat casualties and deaths have been far too high as a result. Also, if we are to continue to fight this immoral and un-American war, at least we should not give over to the enemy the advantages of mobility which our air power gives to us and also the advantages of superior firepower from our artillery and warships. Very definitely, under General Westmoreland's leadership we have lost the initiative.

It should now be evident to the President that the South Vietnamese Army does not fight. Also, it is now clear that the Thieu-Ky regime does not command the support of the majority of the people of South Vietnam. The Government of South Vietnam must be broadened to include all elements of political life in South Vietnam—a coalition government which should include representatives of the National Liberation Front, or Vietcong, of the Buddhists, of so-called neutralists such as Duong Van Minh—"Big" Minh—who was barred as a candidate for President by Ky's highly questionable and arbitrary action, and also certain tribal sects all of whom were denied the vote last September by arbitrary actions of Ky and his militarist clique. The election of last September was a sham and a fraud. At that, Thieu and Ky only received about 34 percent of the total vote.

Furthermore, the fact is that the more we escalate the bombing of the north the greater are our losses. Every act toward expanding and escalating the war by us has been met with an equal escalation by the VC and North Vietnamese. We must unconditionally halt the bombing of North Vietnam hoping finally to accomplish a cease-fire and an end to the fighting by a diplomatic settlement without a victory for either side.

Negotiating for an armistice and cease-fire while fighting is still going on has its disadvantages. It has an advantage, however, over no negotiation whatever. Gradually, let us hope we turn over province after province of the 44 provinces of South Vietnam to the sole control of representatives of the Saigon military government, withdrawing our Armed Forces and civilian officials of various alphabetical agencies including the CIA, and after a few years we may retire first to our enclaves or coastal bases and eventually withdraw altogether.

That may take some 2 or 3 years, but that is far better than waging this ugly American war, following the intervention by this administration in a civil war in Vietnam—this American war which has already cost the United States more than 120,000 killed and wounded young Americans, and many more who have died of hepatitis and other jungle diseases.

If we can accomplish an armistice and a cease-fire and then a diplomatic settlement, and, after a few years, withdrawal of our forces from Southeast Asia, that is a consummation devoutly to be wished. I state again that the United States of America has no mandate whatever from Almighty God to police the entire world.

Mr. President, in this morning's Washington Post there appeared an excellent article by Roland Evans and Robert Novak, entitled "United States Had To Scrap 1968 War Plan Even Before Assault on Viet Cities."

In the article, those perceptive journalists clearly pointed out the failure of General Westmoreland's strategy in Vietnam. I commend the article to the attention of my fellow Senators and ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 16, 1968]

UNITED STATES HAD TO SCRAP 1968 WAR PLAN EVEN BEFORE ASSAULT ON VIET CITIES

(By Rowland Evans and Robert Novak)

Even before the Communist assault on South Vietnam's cities, Gen. William Westmoreland's secret 1968 battle plan had to be tossed in the ashcan to join countless other aborted victory plans of both French and American authorship.

The three-pronged 1968 plan was initialed last fall by the U.S. High Command and Gen. Cao Van Vien, chief of the South Vietnamese army's joint general staff. Westmoreland and Army generals in Washington briefed Pentagon civilians on the plan extensively late last year.

But clever Communist tactics forced the abandonment of that plan. Once again, it is Hanoi—not Westmoreland—determining the strategic shape of the endless war.

In essence, the Westmoreland plan had three parts: first, frontier defense, consisting of a series of border outposts along the long boundary between South Vietnam on the East and Laos and Cambodia on the West. These would link up with the still-to-be-constructed electronic barrier—the McNamara line—across the 17th Parallel.

Second, intensification of search-and-destroy operations, with the objective of rooting out all remaining enemy base areas in 1968.

Third, "territorial defense"—pacification of the countryside.

This plan, the most comprehensive allied plan devised thus far, is now out of the question for 1968 for one simple reason: instead of holding the initiative, the United States had lost it to the Communists well before the new year started.

This critical loss of initiative had little to do with last month's Vietcong raids against the cities. Rather, the failure can be found in the first part of the Westmoreland plan: building border strong points to block infiltration of regular North Vietnamese units.

As soon as a strong point is established in a border area, it becomes the beleaguered target for enemy assault. Again and again this dreary history has been repeated. The Marine strongpoint at Conthien and the still-growing concentration of U.S. military power at Khesanh are only the most recent examples.

At least 5000 U.S. Marines are bottled up at Khesanh. An additional 20,000 U.S. troops are in reserve in the 1st Corps northern area somewhere between Dongha (the Marine base near the Demilitarized Zone) and the embattled city of Hue.

This vast array of U.S. military power is immobilized so long as the enemy poses its threat to Khesanh. The presence of the U.S. force is predicated entirely on the enemy's initiative. If the estimated 20,000 to 40,000 North Vietnamese in the Khesanh area should decide never to attack the Marine outpost in earnest, the United States would

still be pinned down there until the enemy disperses.

Furthermore, the enemy has an immediately accessible sanctuary off limits to American forces—across the border in Laos and North Vietnam.

Simply by concentrating large numbers of his own forces near a U.S. strong point along the border, the enemy is able to force the United States to send reinforcements. These reinforcements can only come from what the Communist theoreticians call "the front in the rear"—that is, troops that Westmoreland had planned to use to carry out Phase Two and Three of his 1968 war plan—the politicaly critical phases essential to victory.

Thus, even before the assault of the cities, Westmoreland's 1968 war plan had become a victim of the siege of Khesanh. It was no surprise to the Communists.

The deputy chief of staff of the North Vietnamese army, in a document captured early last year, boasted that "if they (the United States) concentrate their forces to stop reinforcements from North Vietnam, they cannot stand firm on the front in the rear. If they oppose our peoples' movement in the South, they will be unable to stop reinforcements from North Vietnam.

That's not all. President Johnson now has been compelled to rush 10,500 troops to Vietnam from the United States, another sign that the U.S. strategic plan has been overtaken by events. Whether the 1968 U.S. troop limit of 525,000 can be maintained is now a matter of doubt.

In disrupting U.S. strategy, the Communists may pay a high cost. Westmoreland, hopefully, can impose staggering losses on the enemy at Khesanh, as he unquestionably did in the Communist assaults on the cities.

But as the French discovered, killing Communists alone can neither win the war nor force negotiations. That's why powerful Washington politicians of both parties are privately questioning the over-all war plan and particularly the tactic of border strong points.

Mr. YOUNG of Ohio. Mr. President, I yield the floor.

ORDER FOR ADJOURNMENT FROM FEBRUARY 19 TO FEBRUARY 20, 1968

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 12 o'clock noon on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRE RESEARCH AND SAFETY ACT OF 1968

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1124.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1124) to amend the Organic Act of the National Bureau of Standards to authorize a fire research and safety program, and for other purposes, which was, strike out all after the enacting clause and insert:

That this Act may be cited as the "Fire Research and Safety Act of 1968".

TITLE I—FIRE RESEARCH AND SAFETY PROGRAM

DECLARATION OF POLICY

SEC. 101. The Congress finds that a comprehensive fire research and safety program is needed in this country to provide more effective measures of protection against the hazards of death, injury, and damage to property. The Congress finds that it is desirable and necessary for the Federal Government, in carrying out the provisions of this title, to cooperate with and assist public and private agencies. The Congress declares that the purpose of this title is to amend the Act of March 3, 1901, as amended, to provide a national fire research and safety program including the gathering of comprehensive fire data; a comprehensive fire research program; fire safety education and training programs; and demonstrations of new approaches and improvements in fire prevention and control, and reduction of death, personal injury, and property damage. Additionally, it is the sense of Congress that the Secretary should establish a fire research and safety center for administering this title and carrying out its purposes, including appropriate fire safety liaison and coordination.

AUTHORIZATION OF PROGRAM

SEC. 102. The Act entitled "An Act to establish the National Bureau of Standards", approved March 3, 1901, as amended (15 U.S.C. 271–278e), is further amended by adding the following sections:

"SEC. 16. The Secretary of Commerce (hereinafter referred to as the 'Secretary') is authorized to—

"(a) Conduct directly or through contracts or grants—

"(1) investigations of fires to determine their causes, frequency of occurrence, severity, and other pertinent factors;

"(2) research into the causes and nature of fires, and the development of improved methods and techniques for fire prevention, fire control, and reduction of death, personal injury, and property damage;

"(3) educational programs to—

"(A) inform the public of fire hazards and fire safety techniques, and

"(B) encourage avoidance of such hazards and use of such techniques;

"(4) fire information reference services, including the collection, analysis, and dissemination of data, research results, and other information, derived from this program or from other sources and related to fire protection, fire control, and reduction of death, personal injury, and property damage;

"(5) educational and training programs to improve, among other things—

"(A) the efficiency, operation, and organization of fire services, and

"(B) the capability of controlling unusual fire-related hazards and fire disasters; and

"(6) projects demonstrating—

"(A) improved or experimental programs of fire prevention, fire control, and reduction of death, personal injury, and property damage,

"(B) application of fire safety principles in construction, or

"(C) improvement of the efficiency, operation, or organization of the fire services.

"(b) Support by contracts or grants the development, for use by educational and other nonprofit institutions, of—

"(1) fire safety and fire protection engineering or science curriculums; and

"(2) fire safety courses, seminars, or other instructional materials and aids for the above curriculums or other appropriate curriculums or courses of instruction.

"SEC. 17. With respect to the functions authorized by section 16 of this Act—

"(a) Grants may be made only to States and local governments, other non-Federal public agencies, and nonprofit institutions. Such a grant may be up to 100 per centum of the total cost of the project for which such grant is made. The Secretary shall require, whenever feasible, as a condition of approval of a grant, that the recipient contribute money, facilities, or services to carry out the purpose for which the grant is sought. For the purposes of this section, 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, and the Trust Territory of the Pacific Islands; and 'public agencies' includes combinations or groups of States or local governments.

"(b) The Secretary may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any such functions, and, as necessary or appropriate, delegate any of his powers under this section or section 16 of this Act with respect to any part thereof, and authorize the redelegation of such powers.

"(c) The Secretary may perform such functions without regard to section 3648 of the Revised Statutes (31 U.S.C. 529).

"(d) The Secretary is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other materials as he deems necessary to carry out such functions. Each such department or agency is authorized to cooperate with the Secretary and, to the extent permitted by law, to furnish such materials to the Secretary. The Secretary and the heads of other departments and agencies engaged in administering programs related to fire safety shall, to the maximum extent practicable, cooperate and consult in order to insure fully coordinated efforts.

"(e) The Secretary is authorized to establish such policies, standards, criteria, and procedures and to prescribe such rules and regulations as he may deem necessary or appropriate to the administration of such functions of this section, including rules and regulations which—

"(1) provide that a grantee will from time to time, but not less often than annually, submit a report evaluating accomplishments of activities funded under section 16, and

"(2) provide for fiscal control, sound accounting procedures, and periodic reports to the Secretary regarding the application of funds paid under section 16."

NONINTERFERENCE WITH EXISTING FEDERAL PROGRAMS

SEC. 103. Nothing contained in this title shall be deemed to repeal, supersede, or diminish existing authority or responsibility of any agency or instrumentality of the Federal Government.

AUTHORIZATION OF APPROPRIATIONS

SEC. 104. There are authorized to be appropriated, for the purposes of this Act, $5,000,000 for the period ending June 30, 1970.

TITLE II—NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

FINDINGS AND PURPOSE

SEC. 201. The Congress finds and declares that the growing problem of the loss of life and property from fire is a matter of grave national concern; that this problem is particularly acute in the Nation's urban and suburban areas where an increasing proportion of the population resides but it is also of national concern in smaller communities and rural areas; that as population concentrates, the means for controlling and preventing destructive fires has become progressively more complex and frequently beyond purely local capabilities; and that there is a clear and present need to explore and develop more effective fire control and fire prevention measures throughout the country in the light of existing and foreseeable conditions. It is the purpose of this title to establish a commission to undertake a thorough study and investigation of this problem with a view to the formulation of recommendations where-

by the Nation can reduce the destruction of life and property caused by fire in its cities, suburbs, communities, and elsewhere.

ESTABLISHMENT OF COMMISSION

SEC. 202. (a) There is hereby established the National Commission on Fire Prevention and Control (hereinafter referred to as the "Commission") which shall be composed of twenty members as follows: the Secretary of Commerce, the Secretary of Housing and Urban Development, and eighteen members appointed by the President. The individuals so appointed as members (1) shall be eminently well qualified by training or experience to carry out the functions of the Commission, and (2) shall be selected so as to provide representation of the views of individuals and organizations of all areas of the United States concerned with fire research, safety, control, or prevention, including representatives drawn from Federal, State, and local governments, industry, labor, universities, laboratories, trade associations, and other interested institutions or organizations. Not more than six members of the Commission shall be appointed from the Federal Government. The President shall designate the Chairman and Vice Chairman of the Commission.

(b) The Commission shall have four advisory members composed of—

(1) two Members of the House of Representatives who shall not be members of the same political party and who shall be appointed by the Speaker of the House of Representatives, and

(2) two Members of the Senate who shall not be members of the same political party and who shall be appointed by the President of the Senate.

The advisory members of the Commission shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

(c) Any vacancy in the Commission or in its advisory membership shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

DUTIES OF THE COMMISSION

SEC. 203. (a) The Commission shall undertake a comprehensive study and investigation to determine practicable and effective measures for reducing the destructive effects of fire throughout the country in addition to the steps taken under sections 16 and 17 of the Act of March 3, 1901 (as added by title I of this Act). Such study and investigation shall include, without being limited to—

(1) a consideration of ways in which fires can be more effectively prevented through technological advances, construction techniques and improved inspection procedures;

(2) an analysis of existing programs administered or supported by the departments and agencies of the Federal Government and of ways in which such programs could be strengthened so as to lessen the danger of destructive fires in Government-assisted housing and in the redevelopment of the Nation's cities and communities;

(3) an evaluation of existing fire suppression methods and of ways for improving the same, including procedures for recruiting and soliciting the necessary personnel;

(4) an evaluation of present and future needs (including long-term needs) of training and education for fire-service personnel;

(5) a consideration of the adequacy of current fire communication techniques and suggestions for the standardization and improvement of the apparatus and equipment used in controlling fires;

(6) an analysis of the administrative problems affecting the efficiency or capabilities of local fire departments or organizations; and

(7) an assessment of local, State, and Federal responsibilities in the development of practicable and effective solutions for reducing fire losses.

(b) In carrying out its duties under this section the Commission shall consider the results of the functions carried out by the Secretary of Commerce under sections 16 and 17 of the Act of March 3, 1901 (as added by title I of this Act), and consult regularly with the Secretary in order to coordinate the work of the Commission and the functions carried out under such sections 16 and 17.

(c) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than two years after the Commission has been duly organized.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 204. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, and administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or member thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including an independent agency, is authorized to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this title.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

COMPENSATION OF MEMBERS

SEC. 205. (a) Any member of the Commission, including a member appointed under section 202(b), who is a Member of Congress or in the executive branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in connection with the performance of duties vested in the Commission.

(b) Members of the Commission, other than those referred to in subsection (a), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

SEC. 206. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this title.

EXPIRATION OF THE COMMISSION

SEC. 207. The Commission shall cease to exist thirty days after the submission of its report under section 203(c).

Mr. BYRD of West Virginia. Mr. President, I move that the Senate agree to the amendment of the House of Representatives.

The motion was agreed to.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, in accordance with the order of February 15, 1968, I move that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 44 minutes p.m.) the Senate adjourned until Monday, February 19, 1968, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate February 16, 1968:

ASSISTANT SECRETARY OF THE TREASURY

John R. Petty, of New York, to be an Assistant Secretary of the Treasury, vice Winthrop Knowlton.

IN THE NAVY

Capt. Joseph B. McDevitt, Judge Advocate General's Corps, U.S. Navy, to be Judge Advocate General of the Navy with the rank of rear admiral, for a term of 4 years.

POSTMASTERS

The following-named persons to be postmasters:

CALIFORNIA

Elizabeth M. Turner, Wildomar, Calif., in place of W. E. Turner, retired.

GEORGIA

Henry H. Johnson, Alma, Ga., in place of J. J. Smith, transferred.

William D. House, Americus, Ga., in place of J. F. Chappell, retired.

Sara R. Grider, Harlem, Ga., in place of W. P. Phillips, retired.

Martha H. Cauthen, Meansville, Ga., in place of L. H. Cochran, retired.

ILLINOIS

Steven E. Ducaj, Riverside, Ill., in place of F. C. Stolfa, retired.

IOWA

Lynn F. Gowdy, Melborne, Iowa, in place of Glen Vauthrin, retired.

Harold E. Engel, Ocheyedan, Iowa, in place of J. H. Kout, deceased.

LOUISIANA

Jimmie L. Massey, Ethel, La., in place of B. R. Kemp, retired.

MAINE

Dorothy R. Crockett, Harborside, Maine, in place of J. B. Howard, retired.

Henry H. Porter, Sr., Springvale, Maine, in place of L. S. Marquis, retired.

MARYLAND

Warren S. Thompson, Jr., Loveville, Md., in place of A. M. Bullock, retired.

Edna V. Sinclair, Oxford, Md., in place of J. L. Thompson, retired.

MASSACHUSETTS

James B. Hamilton, Pittsfield, Mass., in place of D. R. Biron, retired.

MICHIGAN

John D. Nordeen, Gwinn, Mich., in place of M. E. Mussatto, retired.

Thomas P. Clark, Howell, Mich., in place of G. T. Hughes, deceased.

William L. Bonning, Lake Orion, Mich., in place of A. H. Weitschat, retired.

Lyle L. Ashmore, Mayfield, Mich., in place of H. L. Wilson, retired.

Edward C. Szymanowski, Wyandotte, Mich., in place of A. A. Hebda, retired.

Simon P. Eaglin, Ypsilanti, Mich., in place of W. M. Dawson, deceased.

MINNESOTA

Peter Marinoff, Pengilly, Minn., in place of F. E. Oja, retired.

NEW HAMPSHIRE

Muriel E. Barraclough, North Sutton, N.H., in place of V. F. West, retired.

NEW JERSEY

Robert J. Bell, Hamburg, N.J., in place of T. L. Edsall, retired.

NEW YORK

John F. O'Hagan, Briarcliff Manor, N.Y., in place of R. J. Daggett, deceased.

Michael A. Turco, Chelsea, N.Y., in place of H. V. Kessler, resigned.

Manuel Smith, Franklin Square, N.Y., in place of A. B. Nicastri, retired.

Joyce S. Brazier, Glasco, N.Y., in place of A. C. Raimondi, resigned.

PENNSYLVANIA

C. Wayne Harton, Franklin, Pa., in place of J. A. Murrin, retired.

SOUTH CAROLINA

Sumter M. Carter, Fort Lawn, S.C., in place of Eunice McKeown, retired.

TEXAS

Edmond F. Croix, Alvin, Tex., in place of V. C. Johnson, transferred.

Thornton D. Campbell, Ringgold, Tex., in place of C. M. Davis, retired.

Beverly W. Allen, Smithville, Tex., in place of J. W. Hampton, retired.

Douglass E. Lindsey, Willis Point, Tex., in place of Rebecca Sewell, retired.

WEST VIRGINIA

Robert E. Johnston, Smithfield, W. Va., in place of Ray Merrifield, retired.

John R. Harmon, Terra Alta, W. Va., in place of L. B. Ott, retired.

Alfred L. Sidaway, Jr., Wiley Ford, W. Va., in place of H. M. Wright, retired.

WISCONSIN

Raymond L. Neisius, Iron Ridge, Wis., in place of G. W. Kaepernick, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 1968:

U.S. AIR FORCE

Brig. Gen. Tom E. Marchbanks, Jr., FV-669752, U.S. Air Force Reserve, for appointment as Chief of Air Force Reserve and major general, Air Force Reserve, under the provisions of section 8019, title 10, of the United States Code.

The following-named officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10, of the United States Code:

To be major generals

Maj. Gen. Arthur G. Salisbury, FR4224 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John H. Bell, FR4185 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Jay T. Robbins, FR5029 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Glenn A. Kent, FR3701 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Howard A. Davis, FR3860 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William H. Brandon, FR4712 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Oris B. Johnson, FR5025 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Lawrence F. Tanberg, FR8286 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Royal B. Allison, FR8451 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Ernest A. Pinson, FR3117 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Andrew J. Evans, Jr., FR4072 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Albert W. Schinz, FR4646 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Gordon F. Blood, FR4766 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Sam J. Byerley, FR4875 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert F. Worley, FR4906 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Thomas N. Wilson, FR5255 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. James T. Stewart, FR8692 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. George B. Simler, FR9236 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Norman S. Orwat, FR9489 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Larry A. Smith, FR19176 (brigadier general, Regular Air Force, Medical), U.S. Air Force.

To be brigadier generals

Brig. Gen. James M. Vande Hey, FR3941 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William P. McBride, FR4179 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Dudley E. Faver, FR4202 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard L. Ault, FR4462 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James D. Kemp, FR4517 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Timothy J. Dacey, Jr., FR4631 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Archie M. Burke, FR4642 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. David V. Miller, FR4763 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard R. Stewart, FR5096 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William S. Harrell, FR5240 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Wright J. Sherrard, FR5249 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Allison C. Brooks, FR4363 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Franklin A. Nichols, FR4809 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Gilbert L. Curtis, FR7448 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Joe T. Scepansky, FR7879 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Morgan S. Tyler, Jr., FR7923 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Pete C. Sianis, FR7945 (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Harold C. Teubner, FR8145 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William A. Hunter, FR8623 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Gerald W. Johnson, FR8671 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Courtney L. Faught, FR8781 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John H. Herring, Jr., FR8800 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Donald F. Blake, FR8926 (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Lester F. Miller, FR9004 (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Kenneth W. Schultz, FR9096 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frank K. Everest, Jr., FR9100 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Herbert G. Bench, FR9190 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Walter R. Hedrick, Jr., FR9353 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George J. Eade, FR9515 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert W. Waltz, FR9672 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William F. Pitts, FR9796 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Louis L. Wilson, Jr., FR9803 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Edward A. McGough III, FR9819 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James F. Hackler, Jr., FR9839 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Carlos M. Talbott, FR9853 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Winton W. Marshall, FR9999 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. August F. Taute, FR4256 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James W. Little, FR8099 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Carl W. Stapleton, FR8893 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul N. Bacalis, FR9227 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Augustus M. Hendry, Jr., FR8645 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Russell K. Pierce, Jr., FR18118 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Rene G. Dupont, FR11836 (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert J. Dixon, FR14462 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Donavon F. Smith, FR14577 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John M. Talbot, FR19171 (colonel, Regular Air Force, Medical), U.S. Air Force.

Brig. Gen. Robert A. Patterson, FR19250 (colonel, Regular Air Force, Medical), U.S. Air Force.

The following officers for appointment in the Air Force Reserve, to the grade indicated, under the provisions of chapter 35, sections 8373 and 8376, title 10, of the United States Code:

To be major general

Brig. Gen. Frank J. Puerta, FV401051, Air Force Reserve.

To be brigadier generals

Col. John W. Bitner, FV361602, Air Force Reserve.

Col. Charles D. Briggs, Jr., FV797454, Air Force Reserve.

Col. John O. Gray, FV410193, Air Force Reserve.

Col. Campbell Y. Jackson, FV431357, Air Force Reserve.

Col. Justin G. Knowlton, FV664321, Air Force Reserve.

Col. Homer I. Lewis, FV400799, Air Force Reserve.

Col. Theodore C. Marrs, FV2261128, Air Force Reserve.

Col. Henry J. McAnulty, FV549989, Air Force Reserve.

Col. Wendell B. Sell, FV4067313, Air Force Reserve.

Col. Farmer S. Smith, FV863256, Air Force Reserve.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code:

To be major general

Brig. Gen. John P. Gifford, FG949201, Tennessee Air National Guard.

To be brigadier generals

Col. Nevin W. Dodd, FG3041219, Oklahoma Air National Guard.

Col. William R. McCall, Jr., FG756295, District of Columbia Air National Guard.

Col. Robert McMath, FG825933, Michigan Air National Guard.

Col. George M. McWilliams, FG2067864, Mississippi Air National Guard.

Col. Leon A. Moore, Jr., FG823665, Florida Air National Guard.

Col. Richard B. Posey, FG430845, Pennsylvania Air National Guard.

Col. John J. Stefanik, FG430864, Massachusetts Air National Guard.

Col. Kenneth M. Taylor, FG409061, Alaska Air National Guard.

Col. Charles S. Thompson, Jr., FG429541, Georgia Air National Guard.

IN THE U.S. ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Charles Lutcher Southward, O329922, Adjutant General's Corps.

To be brigadier general

Col. John Richard Carson, O1574211, Adjutant General's Corps.

The following-named officers for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3307:

To be major generals

Maj. Gen. John Jarvis Tolson III, O20826, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard Giles Stilwell, O21065, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Claire Elwood Hutchin, Jr., O21092, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Fillmore Kennady Mearns, O21106, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Braden Latta, O21119, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Ferdinand Joseph Chesarek, O21177, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Arthur Sylvester Collins, Jr., O21260, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles Joseph Denholm, O21293, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Robert Howard York, O21341, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Carroll Hilton Dunn, O21427, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Andrew Jackson Goodpaster, O21739, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Julian Johnson Ewell, O21791, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Frederic William Boye, Jr., O21891, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Walter Thomas Kerwin, Jr., O21963, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Welborn Griffin Dolvin, O21980, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Harry William Osborn Kinnard, O21990, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Frank Thomas Mildren, O21992 Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Michael Shannon Davison, O22051, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Joseph McCaffrey, O22065, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Stanley Robert Larsen, O22094, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles Allen Corcoran, O31721, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles William Eifler, O32614, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Gray O'Connor, O21088, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Joseph Miller Heiser, Jr., O43773, Army of the United States (brigadier general, U.S. Army).

IN THE U.S. NAVY

Rear Adm. Fred G. Bennett, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of vice admiral while so serving.

The following-named Naval Reserve officers for temporary promotion to the grade of rear admiral in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Lee E. Bains
Gayle T. Martin

MEDICAL CORPS

Allan D. Callow

SUPPLY CORPS

Frank E. Raab, Jr.

CIVIL ENGINEER CORPS

George Reider

IN THE U.S. MARINE CORPS

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Harold L. Oppenheimer

IN THE AIR FORCE

The nominations beginning Edward L. Menning, to be major, and ending Waldemar C. Zisch, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 26, 1968.

IN THE ARMY

The nominations beginning Jerome Aaron, to be lieutenant colonel, and ending Stephen M. Blue, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 18, 1968.

IN THE MARINE CORPS

The nominations beginning Grey C. Axtell, to be second lieutenant, and ending John D. Wright, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 18, 1968; and

The nominations beginning Louis A. Cabral, to be chief warrant officer (W-4), and ending Robert C. Zwiener, to be chief warrant officer (W-2), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 18, 1968.

EXTENSIONS OF REMARKS

Consumer Product Standards

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 1968

Mr. ROSENTHAL. Mr. Speaker, the need for additional consumer protection in many fields was illustrated in an excellent series of articles recently in Merchandising Week. One of these articles, dealing with consumer protection in product standards, indicates the many possibilities for Congress and the country in improving our present safeguards for consumers. The article follows:

THE INDUSTRY GETS A CHANCE TO PROVIDE ITS OWN REGULATION IN PRODUCT STANDARDS

Betty Furness and Federal Trade Commission Chairman Paul Rand Dixon are both fond of noting in their respective addresses on consumer protection that: "If a customer plucks down $3,000 for a car, he wants a car that is worth $3,000. The car should be as good as the check that paid for it."

The means by which a consumer can determine how close that car measures up to its retail value are, however, much different than those that he must use when evaluating a $400 refrigerator, for example, or a $250 automatic washer. When it comes to home appliances, consumer protectionists suggest, shopper's have considerably fewer guidelines to use in determining what they need and how much they should pay for it.

The problem of standards, barring the emergence of an appliance-oriented Ralph Nader, is an issue that for the time being, the industry will be left to cope with by itself. Protectionists like New York City-area Congressman Benjamin Rosenthal, however, have firmly established that a problem does exist.

Rosenthal, taking a cue from a similar program already operating in Great Britain, has proposed in Congress a national clearing house for consumer information that would, among other things, provide customers with comparative information to be used in determining how much a particular appliance offers for the money it costs.

In his House proposal, Rosenthal does not ask that the information include actual value judgments, but rather that it present and describe the "product characteristics" of greatest interest to the consumer. In other words, Rosenthal's bill seeks to establish a means of providing and publicizing standards of operation for appliances and other consumer goods.

Why are protectionists interested? Many consumers, they indicate, are led into purchasing products that are unsuited to their specific needs because they are ill-equipped to decide which product can best fulfill those needs.

With automobiles, consumers are at least aware of their basic prerequisites: seating capacity, luggage space, and size and power of the engine. With an automatic washer, however, the consumer may know only that she wants to get her clothes clean, and have little idea that some units may be equipped to handle her particular laundry problems, while others may prove totally unsatisfactory.

The result of this lack of standard criteria for consumer selection, according to the protectionists, if often customer dissatisfaction with a product that wasn't meant for her in the first place. The obvious solution, they admit, is to provide knowledgeable, objective salesmen at the disposal of appliance shoppers. But, advertising's pre-sell, profit-oriented sales techniques, coupled with the poorly informed salesmen that result from constant employee turnover, have prevented this in enough cases to generate a rising concern on the part of protectionists.

The appliance industry, of course, is working to provide its own system of standards. It has the cubic foot and Btu ratings for determining capacities of refrigerators and air conditioners, and this is some help to consumers. But horsepower means more on the road than in the home, and customers are still asking for more information.

The Assn. of Home Appliance Manufacturers (AHAM) is working on a comparative rating system for automatic washers that would indicate a product's abilities in sev-

eral areas: soil removal, gentleness, sand removal, rinsing effectiveness, whiteness retention, tangling, and water removal. Such a system, similar to that favored by Congressman Rosenthal, but self-perpetrated by the industry, is regarded hopefully by protectionists as a commendable first step toward bringing appliance standards to the consumer.

Retailers have possibilities of themselves providing customers with the information that some legislators feel they have long lacked. Existing standards can be promoted effectively and explained carefully at retail; this would not only make the salesman's job considerably easier, but, in the process, would also alleviate a source of consumer complaint.

Macy's "world's largest store," located on New York City's Herald Square, for example, featured a Btu explanation chart in a massive air conditioner display used last spring. Surrounded by two walls of honeycombed air conditioner units, a customer information poster explained the Btu system and indicated how the average shopper could use it to select an air conditioner for her particular needs.

Similar opportunities exist in promoting refrigerator standards. The AHAM certification sticker can be prominently displayed, for example, with an appropriate explanation of what it means and how it is earned. Retailers can draw on their own product knowledge and devise simple means to allow customers to determine for themselves just what they are looking for in a washer, dryer, or dishwasher.

When it comes to product safety standards, which it often does when consumer protection is mentioned, the appliance industry has apparently maintained a good record of at-least-adequate performance. Explaining that she and her counterparts in Congress must act on a "squeaky wheel" system, Betty Furness suggests that consumer protectionists find themselves forced to concentrate on problems that are creating immediate annoyance or hazard. At the moment, she says, the appliance industry's wheel is not "squeaking"—at least not loud enough to put it at the top of the list for immediate action.

The newly formed National Commission on Product Safety will certainly have something to say about the appliance industry when it reports to the President after the first of next year. After the Commission is selected, the members will work to determine the areas to which the government should direct itself to insure safe household products, citing specific cases of industry-created household hazards, and recommending courses of action.

Until the Commission's report is developed and presented, however, the appliance, home electronics, and housewares industries have only to guard against a headline-maker, such as the recent color to radiation leakage problem, to keep out of the reach of protectionists. The color tv issue, coming at a time when comment on the proposed National Commission had become somewhat heated, did put the industry under scrutiny, however, and protectionists are expected to be watching closely for any signs that the appliance-tv industry is loosening the reins on product safety.

State Department Isolation Ward—Exposure Is the Corrective

HON. JOHN J. WILLIAMS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Friday, February 16, 1968

Mr. WILLIAMS of Delaware. Mr. President, the Chicago Tribune of February 16 contains an excellent editorial entitled "Exposure Is the Corrective." I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EXPOSURE IS THE CORRECTIVE

Rarely has a newspaper story brought quicker action to correct a manifest injustice than did that of Willard Edwards of our Washington bureau concerning two men consigned to Coventry by the state department. And rarely has the statement in THE TRIBUNE Credo that "the newspaper is an institution developed . . . to furnish that check upon government which no constitution has ever been able to provide" been more fully vindicated.

Mr. Edwards' story of Tuesday, relating how Harry M. Hite and Edwin A. Burkhardt had been immured for 16 months in an abandoned and condemned state department annex, cut off from their fellows and with only rats as their companions, brought relief to them within 48 hours. It produced an indignant and all but universal outcry in both houses of Congress, compelling the department to recall them from their "Siberia."

The two men, with combined government service of 46 years, were caught up in the department's vendetta against Otto F. Otepka, former chief of evaluations in the state department's office of security. After originally being dismissed and his case kept on the shelf for four years, Otepka was reprimanded and demoted last December by Secretary Rusk. His offense was that he testified truthfully about the department's sloppy loyalty and security clearances before the Senate internal security subcommittee.

Hite and Burkhardt, members of his security staff, were ostracized by their superiors for telling the truth and supporting Otepka. They were confined to the gloomy and deserted building, given no work, and, with their solitude undisturbed, sat thru the days in enforced idleness. Their memoranda appealing for assignment were met with silence. The obvious intention was to break them down.

Their plight went unnoticed. Mrs. Hite reported the facts to her congressman and visited other Capitol hill offices but failed to get attention until she called on Mr. Edwards. He, too, was at first disinclined to believe that government employes could be subjected to such treatment, but, plodding thru the debris of the abandoned building, he came upon the men and confirmed the facts. For four years, they told him, they had been given no duties, and for 16 months they had been quarantined in what has become known as "Dean Rusk's pesthouse."

Mr. Edwards' report brought threats from Sen. John J. Williams of Delaware and Rep. H. R. Gross of Iowa to introduce legislation to fire the superior responsible for what Mr. Williams called "an incredible outrage" if the men were not rescued from the "isolation ward" within 72 hours. The Senate internal security subcommittee released a report referring to the "Chinese-torture type" of treatment to which they had been subjected.

Growing panic in the state department led to an expression of apology to Hite and Burkhardt from lower echelon officials and new assignments as personnel officers. The two men were given the assurance that they would never have to go back to their dingy and hopeless surroundings. Had Mr. Edwards' story never been published, you may be certain there would have been no redress. Without newspapers, every citizen would be at the mercy of the conscienceless bureaucracy.

There remains the matter of justice for Mr. Otepka, who has been the victim of the state department's hypocrisy over the years. His appeal from the reprimand and demotion visited upon him by Rusk is before a civil service panel, and one assumes that the secretary of state will use this as a pretext for inaction. It is up to Congress to get President Johnson to cut thru the red tape and order Otepka's rights restored, with adequate apologies from his persecutors.

New Haven Community Progress, Inc.

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 1968

Mr. GIAIMO. Mr. Speaker, today I am introducing parts 5 and 6 of the series of articles written by William E. Keish and Donald Dallas, reporters for one of Connecticut's leading newspapers, the New Haven Register. The articles comprise a critical analysis of the operations of Community Progress, Inc., the OEO community action program in New Haven, Conn. Parts 1 and 2 appeared in the CONGRESSIONAL RECORD of February 12, 1968, and 3 and 4 in the RECORD of February 15, 1968.

The articles follow:

CPI IN CONFLICT: AGENCY, GIAIMO DEBATE $18 MILLION COSTS BUT $22.5 MILLION WAS REPORTED TO FORD

(By William E. Keish, Jr., and Donald Dallas)

"Without CPI, the impact on the taxpayers for urgently needed inner-city programs would have been much heavier." (A CPI statement.)

While U.S. Rep. Robert N. Giaimo has focused his critical attention on the $18 million in anti-poverty funds that have been funneled directly through Community Progress Inc. (CPI), the fact is that nearly $22.5 million has been poured into New Haven's community action effort over a five-year period stretching from September, 1962, to June, 1967.

And, in addition, CPI estimates the cost of running its programs during the current 1967–68 fiscal year at $5.1 million. Taking this figure into account, it means that upwards of $27.5 million will have been pumped into the city's "human renewal" program since it was initiated nearly six years ago.

Though the directors of Community Progress Inc., issued a lengthy position paper to The Register last week, the agency has consistently used the congressman's expenditure estimate of $18 million in all its references and has made no allusion to the $22.5 million total which it used in its own report to the Ford Foundation last June.

Giaimo's $18 million figure deals mainly with the monies that have been pumped into CPI by the Ford Foundation and various federal agencies. He lists receipts of $5.1 million from Ford, $11.9 million from the federal government and $1 million from other sources. His estimate covered funds received until the end of June, 1967.

The $22.4 million figure, contained in a CPI financial report on the "New Haven Community Action" program which was submitted to Ford last year, covers a much broader area. It involves funds received from local and state governments and, apparently takes more federal monies than Giaimo did into account.

As an example, Giaimo listed federal receipts of $11.9. The CPI report shows a total of $15.5 in federal funds received here. That's a big difference.

Giaimo and CPI are also at odds when it comes to the amount of money the Ford people have allotted New Haven. Giaimo says $5.1 million, but a CPI report on the "Distribution of Income Received by Funding

Source" puts the Ford contribution at $4.1 million up until the end of fiscal 1967, which concluded last June.

In the latest explanation of what it's doing, released earlier this week, CPI stated:

"Had CPI not brought these funds to New Haven, these services (the ones it provides) would have to have been paid for out of the pockets of the taxpayers. Without CPI, the impact on the taxpayers for urgently needed inner-city programs would have been much heavier. Under ordinary circumstances they would have had to pay taxes for the services which CPI was able to provide with private funds." CPI overlooks the obvious fact that the majority of the funds channeled into the anti-poverty program come from government sources, which are fed by taxpayers—including New Haven taxpayers.

CPI claims that without it the burden on the New Haven taxpaying public would be overwhelming.

But this is what has happened to the cost of local government since CPI arrived on the scene back in 1962:

That year, the tax rate in New Haven was $39.25 per $1,000 assessed valuation. The tax rate for the current abbreviated six-month fiscal period is $24.25 per $1,000 of assessed valuation. If this figure was extended over the full year it would be $48.50 per $1,000—as it was all last year.

There is every reason to believe that when the city's fiscal fathers unveil the 12-month budget which starts this July, the tax rate will be considerably more than $48.25 per $1,000. As is obvious, New Haven's taxes are becoming heavier whether CPI is here or not. There is no element of blame for CPI in this; what it shows is that CPI has not pushed burdens down for City taxpayers.

Making a comparison of the annual budget during the period of CPI's existence in New Haven shows that the expenditures for the first six months of this year are approaching the cost of running the local government for the entire year of 1962.

The current six-month budget amounts to $21,117,331, which would double in size to $42,234,662 over a full year. For 1962, the total cost of running the entire city—which had a larger population then than it does now—was $26,986,957.

In a released statement on its "highly successful efforts" to obtain private and other noncity funds directly, CPI notes that this effort "has resulted in $1,737,694 in private funds for the improvement of and strengthening of the New Haven school system."

In this regard the difference between an effort to improve and strengthen local education and the actual accomplishment is one the community is now weighing in several ways. The parent-teacher-student committees at Hillhouse, the study by the National Education Association, and other current analyses all stem from a concern with inadequacies in our schools.

EDUCATION COST DOUBLE

While the public school population has remained almost static over the past five years with slight variations along the line, the cost of public education has nearly doubled—which is another indication that New Haveners are full-fledged participants in the education aspects of the anti-poverty effort in spite of the CPI indication that outside sources are shouldering the financial burden. New Haven taxpayers are as involved as Ford or the federal government in the anti-poverty program, whether CPI wants to admit it or not.

In 1962, the year CPI began its ambitious effort to uproot poverty in New Haven, the budget for the city's public education system was $9,855,731. For the first six months of 1968, the system has been allotted $8,789,176. This is only about $1 million less than was spent for the entire year in 1962. Of course, it must be noted that the first six months of the year are the costliest for school systems because they are in session for the full six months as opposed to only four months at the end of the year, but still the increase in spending here is an impressive one.

The Connecticut Public Expenditure Council shows New Haven's expenditure of $726 per pupil is among the states top-20 expenditures.

CPI expenditures for travel, telephone service and leased property are among the figures in which even CPI answers promote questions.

TRAVEL EXPENSES

Giaimo had criticized CPI for spending $90,000 for travel. In responding to this criticism, CPI explained that $37,503 of it was spent during a 10-month period—from Sept. 1, 1966 to June 30, 1967—on "local transportation for CPI personnel."

Using CPI's own figures, it means that "local transportation for CPI personnel" averaged $3,750 per month during that period. Based on a five-day work week, four weeks a month, the cost of "local transportation for CPI personnel" works out to approximately $187 per day. This is a substantial amount of inner-city travel—up to a thousand miles of it per day even if we use the exceptionally high estimate of 20 cents per mile as a base.

CPI further explained that only $41,100 of the travel cost went for long-distance travel, with nearly half—$20,416—being expended by the Community Action Institute, which has been designated by the Office of Economic Opportunity (OEO) to conduct training programs in cities throughout New England and most of New York State.

The other half involved travel necessary to obtain funds for New Haven. The CPI explanation left $11,500 in travel expenses unaccounted for.

Giaimo also had some critical comment about the facilities leased by CPI. According to Giaimo CPI was paying approximately $19,300 per month during fiscal 1967 for leased accommodations. He also noted that there was some 1,200 feet of vacant space at CPI headquarters on Orange Street. In answer to Giaimo, CPI said the congressional cutback on antipoverty spending forced cancellation of a program which formerly occupied this space. It also noted that it had made efforts to sub-lease it.

While Giaimo apparently had access to the leasing figures, The Register has been unsuccessful so far in finding out just what properties are leased by CPI and how much they are paying for them. A request for the figures was made over two weeks ago to Eric Sandahl, the anti-poverty agency's $16,500-per-year public information director.

Sandahl said he was in the process of gathering the figures, but he added that CPI officials were attempting to determine if they had to release them under the "Right to Know" law because of what Sandahl described as "malicious intent" on the part of reporters seeking the figures.

Several attempts have been made since then to secure the leasing figures, but they have been fruitless.

The latest word from Sandahl is that he has drawn up a list of the leaseholds and turned it over to Lawrence N. Spitz, the $30,000-per-year executive director of CPI. According to Sandahl, Spitz is seeking a legal opinion from one of CPI's legal advisers about whether the leasing agreements have to released for public knowledge.

PAYMENTS TO BENEFICIARIES

Not all of CPI's funds go into administrative costs such as salaries for its 274 employes plus other operating costs. Many thousands of dollars go to trainees and other persons who benefits from some of the programs.

The Neighborhood Youth Corps (out-of-school), is expected to use $204,990 of its $303,590 budget for 1967–68 to pay wages to persons participating in the program. According to CPI, some 367 youngsters from 16 to 21 have been enrolled during the past year in the program that teaches and trains dropouts who are unemployed or underemployed because they are unskilled.

In the Neighborhood Youth Corps In-School and Summer Programs, three-fourths ($299,140) of the budgeted sum of $395,140 goes for wages paid to young men and women between the ages of 13 and 18 who take part in the program which is run by the Board of Education.

Other CPI programs which provide wages to its participants include "New Careers" and "Foster Grandparents."

Of the $147,390 budgeted for "New Careers," $87,860 went for wages. The program involves 28 trainees who start at aide level in such jobs as laboratory technician, child development specialist, housing inspector, and field representative for the Redevelopment Agency. OEO pays stipends and the cost of college courses for trainees who want to reach professional level.

The "Foster Grandparents" program involves 85 elderly persons who are employed at the New Haven Regional Center for the Retarded, Association for Retarded Children, New Haven Rehabilitation Center and St. Raphael's Hospital. The participants will receive $115,000 of the program's $168,063 in wages.

Two of the costliest programs affiliated with the CPI operation are the "Head Start" program, which is considered one of the most effective of all anti-poverty programs and a pace-setter throughout the nation, and the Community Action Institute (CAI).

The "Head Start" program, which has a budget of $514,967 for 1967–68, is designed to equip poor children with the necessary academic skills and experiences that their homes could not supply. There are 21 preschool classes operating throughout the inner city.

Although the cost of the Community Action Institute is credited against CPI, it is far from being strictly a local operation. The institute trains anti-poverty program staff and board members from 133 agencies in the six New England states and most of New York. During 1967, it trained more than 4,000 persons.

One of the big gripes Giaimo had about the anti-poverty effort being waged here was the cost of administering the program. According to its figures, the 1967–68 budget contains $868,954 for administrative purposes, which works out to about 17 per cent of the overall cost.

The figure includes $305,833 listed as general administration plus $291,772 for administration and program support and another $271,182 for program planning, development, budgeting, finance, review and program services.

Few people would deny what CPI makes as its major claim: that the funds it has gathered "have made possible for the deprived and disadvantaged people of the inner city a great number of opportunities which were never available, the economically disenfranchised to train for good jobs and to obtain social and health services for themselves and their families." The problem for CPI is showing that the money and the programs actually lead to jobs and better living for the inner-city poor.

The $22.4 million spent here already and the $5.1 to be expended in the current fiscal year represent an average expenditure of $5 million a year since CPI began. This high cost in a spreading series of efforts and experiments is carried by New Haven taxpayers as well as the Ford Foundation and the federal government. The city's own tax structure reflects, in its upward climb, a CPI impact. And this is one good reason that CPI finances and accomplishments deserve constant scrutiny and candid airing.

CPI IN CONFLICT: YOUTH CENTER BRINGS NEW APPROACH TO HARD CORE—COST: $8,200 EACH

(By Donald Dallas and Williams E. Keish, Jr.)

"The Residential Youth Center will almost unquestionably lead to a new national program."—Mitchell Svirdoff in a Register interview in August.

According to Mitchell Svirdoff, vice president for national affairs of the Ford Foundation, and Dr. Ira Goldenberg, Assistant Professor of Psychology at the Yale Psychoeducational Clinic and key designer of the Residential Youth Center, the experimental youth center at 501 George St. appears slated to become a new approach in the "war on poverty" that will be adopted nationally.

For one thing, argues Goldenberg, it does a better job of aiding "hard core" youth than other programs like the currently-fading national Job Corps which has the same kind of objectives argues Goldenberg.

The center, which opened in September, 1966, is termed a "home away from home" for boys from 16 to just under 22 years of age who were judged to need some relief from their home environment—even temporary relief—if they were to succeed in training and employment or educational endeavors.

PER BOY, $8,225 YEARLY

The center operates in an old Victorian house at the corner of George and Dwight Streets. While it is notably not "plush" in its looks or atmosphere, its expenses average out on an annual basis to about $8,225 for each of the 21 boys it can handle at a time.

The center budget indicates it is currently spending about $3,300 a week or $158 per week per boy.

You could keep a boy in a good prep school or college for two years on an investment like this.

Center personnel point out, however, that it is not a prep school—that it provides strong psychiatric, health and other counseling services and that the boys involved are not necessarily self-sufficient types. They may be remarkably independent but they are not "making it" on their own and hence they are given an atmosphere which offers them many supports not otherwise available.

Center personnel also point out that the substantial per capita investment is widely spread, that the 21-capacity house sheltered and served 51 boys during its first 12 months of activity.

The staff at the Resident Youth Center even shows an unexpected willingness to economize—particularly by suggesting that administration costs (as apart from the major operational expenses) might be cut in half if the administrative work was done in the center itself instead of at CIP offices.

The whole concept of a Resident Youth Center was financed here under the auspices of the federal Office of Manpower Evaluation and Research (OMPER) with a $156,000 grant for research and practical activity the first year. It received a $172,738 grant from OMPER for its second year of operation.

GIRLS' CENTER

Based on the apparent success of the boys' center, OMPER laid out an additional $156,000 for a similar center for girls. The girls' center, at 1342 Chapel St., began its operation a few weeks ago—just as Rep. Giaimo attacked the fact that it had operated with a director and a staff of five persons—with payroll costs of $7,000—for several months before a single girl "client" was enrolled.

As an illustration of per capita costs at the Residential Youth Center for boys, the $156,000 first-year monies served 51 boys and 35 families or relatives. Of the boys, 11 were "emergency" residents at the center, staying less than a week. The other 40 residents stayed at the center an average of slightly less than six months, at a cost of slightly less than $4,000 each if one does not include services to the parents.

The costs, argues Goldenberg, are less than the Job Corps, which deals with a less troubled type of youth. And his research, he says, gives "enough hard facts" to show the RYC-type endeavor would be more fruitful on a national scale.

Although comparisons are difficult, he also feels the RYC would come out favorably when judged with other war-on-poverty projects, reform schools, mental institutions, etc.—none of which are quite comparable because of the differing groups each serves and differing methods to serve them.

UNVISITED BY SPITZ

Despite their positive indications about the center, its promise and its probable future, members of the RYC staff point out that CPI Executive Director Lawrence N. Spitz has never visited the big building at 501 George St. where it operates.

And they do not seem unhappy about this.

Indeed, and despite the fact that the center is termed a CPI "delegate agency" members of the center prefer to disassociate themselves from the "parent" organization, and consider themselves independent of and separate from CPI.

Except for administrative tasks such as bookkeeping and payroll, the center staff runs its own programs, and does its own research, they point out.

According to Wesley Forbes, who earns $11,000 yearly as its director, the center would be better off doing its own "administration" too. In a discussion about costs, Forbes said he felt the RYC could handle "administration" for about $10,000 a year—which is precisely half the CPI figure for those costs.

Generally, though, as one staff member commented, the center seems pleased that "downtown doesn't bother us" and does add a note of praise for CPI Manpower Director Joseph N. Marci who tries to "get us the things we need downtown" when the RYC makes a request.

Unlike a number of other "poverty" projects, Dr. Goldenberg points out, research plays a significantly important role at the RYC. He notes the title and purpose of the "research and evaluation" finding agency, OMPER, in this connection.

The program deals with youths who have been "failures" in other aspects of the "poverty" program, and in most general terms the findings so far made seem to indicate that the "hard core" problem is greater than imagined. This means that the present sense of success for the Youth Center idea is not always matched by a record of individual success for its boys.

REPORT ON SUMMER

Says a CPI report to the Ford Foundation of last summer, for example:

The RYC (Residental Youth Center) was formed for boys "who previously were not succeeding in the Neighborhood Youth Corps. Analysis of the reasons for their failure invariably showed unsettled, acrimonious home environments. It was impossible for the boys to gain anything from the program unless they were removed from the scene of their emotional conflicts."

"Although still experimental, the RYC is proving beneficial to most of its residents.

"Some, however, have dropped out of all programs and the residence as well. The answer for them is not within the range of CPI's services. Some need intensive therapy, some medical care, others need partial or total institutional care."

Based on observation of failures in the Neighborhood Work Crews and the Job Corps, Dr. Goldenberg and some six work crew foremen from the National Youth Corps got together to outline a framework for the residential center. They noted, basically, that Job Corps and Youth Corps results were not "sticking" for a number of youths. Explained Center Director Forbes: the youths would obtain some positive benefits from the programs while on the job but would "blow it" when they returned to their home environment.

In the case of the Youth Corps, the return home would be on evenings and weekends. In the case of the Job Corps, a project that takes the youth to an out-of-town center for the training, it would be when the youth returned home after several months away. The center aimed instead, to make the results "stick".

The Job Corps was out-of-town, Goldenberg pointed out. The residential center, as developed here, is in the youth's home community.

The Job Corps generally employed teacher and workers from the community in which the center was based. They were strangers to the boys, the residential center employs its staff from the neighborhoods which the youth knows. The local staff is largely "non professional"—a group that has "lived" some of the ghetto experiences of the youth and has "made it."

Thirdly, the center helps prepare and train youths for job openings available in their area, another contrast to the Job Corps which does not have local focus in this respect either.

STAFF NONPROFESSIONAL

Except for Goldenberg, who was the center director for the first six months, the staff is non-professional. Forbes, who now heads it, was a former entertainer, a work crew foreman with the NYC. Born on Dixwell Avenue, he came from a family with a welfare background, as do almost all of the center's youth.

It is the only project of its kind in the United States, except for the recently-opened girls center here and a somewhat similar boys' project conducted from a YMCA in Chicago.

The boys were recruited—with participation strictly on a voluntary basis—after questions to neighborhood workers, educational personnel and others to determine who, in their opinion, most needed the services.

Of the initial 20 youths, 10 were considered to have difficulties on a regular, long-term basis in job training programs because of serious emotional difficulties.

Another 10 were felt to be able to "make it" relatively easily if they had the support of full-time center environment for a while.

In another move to make the center "responsive" to immediate needs, the center adopted what Forbes likes to call a "horizontal structure." This, in an apparent contrast to the CPI "from the top down" structure of organization and decision-making, involves seeming "equality" or "togetherness" among staff and youth.

Besides Forbes, the staff includes an assistant program supervisor, three PYC workers, three live-in counselors who are roughly the boys' own ages, a secretary, and a cook. Except for the latter two, each worker carries a case load.

And, as part of the plan, each worker substitutes in another of the staff positions two days a week. Forbes, for example, could be a cook one day, a live-in counselor another.

PAY 30 PERCENT OF WAGES

The boys pay 30 percent of their wages or up to $15 a month for room and board, do their own laundry and housekeeping, and odd jobs around the center.

They also take part in a host of informal activities such as sports at the YMCA, or shop, pool, music in make-shift rooms set aside with some equipment at the center for these activities.

What does all this amount to? To what extent does it work? Why does it work for some and fail for others?

The answers to the latter question, Dr. Goldenberg admits is not known.

An early study, comparing center youths with a "control group" of similar young men here in New Haven points to a relationship between "alienation" and "employment" which Goldenberg feels is very significant.

The less alienated the boys become according to an "alienation scale" the more they tend to perform better in employment. Goldenberg, who feels this finding important, pooh-poohs those who dismiss the research as obvious fact. He counters: "We knew that anyway," with the question, "Well, then, what have you done about it?"

In defending sociological and psychological studies of this type he points out that, traditionally, there has been a long time-lag between the findings of science and their practical application. Alienation has to do with the extent to which the youths feel a part of society, "that society cares about them, and that they care about society," Goldenberg explains. The amount of individual alienation was one of several variables measured by verbal testing.

The control-group RYC comparison, Goldenberg pointed out, was "weighted against the RYC group" to start with. That is, the RYC group were more "hardcore" and had many more real personal problems than the youth who were not served by the program.

After six months, however, "Overall, the control population became significantly more negative in their view of the world, while the RYC group became significantly more positive. For the RYC group, the greatest change was in viewing the world as 'fair' rather than the pre-RYC view of the world as 'Unfair.'"

FIGURES COMPARED

An exact 40 per cent of the control group was unemployed at the outset as opposed to 46.4 per cent of the RYC group. After six months, 50 percent of the control group were unemployed, as compared to 6.7 of the RYC group, most of which was still at the center. The youths at the center, of course, had far more incentives and aids in keeping a job.

At the outset, arrests per boy in the RYC group had averaged 1.87 each. After six months, the figure had declined to .96 each. The control's groups arrest average, meanwhile, had jumped from 1.7 per boy to 2.08 during the same period. The average of .96 which Dr. Goldenberg cites as encouraging still comes very close, of course, to being one arrest for every boy in the Youth Center program.

In terms of dollars and cents and public anxieties, these figures have significance, he says. The improvement in employment means less welfare dollars and cents. The improvement in arrest records, means less jail, court, and police and legal aid dollars.

Dr. Goldenberg had no hesitancy about showing and explaining his research to the press. In fact, he is writing a book about it, and the RYC, which he expects to be published in March.

Likewise, the spirit of the RYC staff appeared frank, candid, and receptive to all questions. Too, they appeared strongly interested in the boys, and one of the staff produced figures, that show most of the staff works almost double the required 35 hours work week at CPI.

A follow-up study of 25 youths that had "graduated" from the first year of the program, Goldenberg said, revealed 76 percent of them who were "employed" and for whom the positive results of the center apparently had "stuck"—lasted.

SERVED 56 FIRST YEAR

According to the study, the center served 56 youths during its first year. Of these 11 were "emergency" cases served a week or less, nine of the youths had remained at the center, five had returned to the center after having left, and for another six there was no information available.

Of the resultant 25 "graduates," however, 15 said they had liked the center and it had taught them how to "make it" in the world of work. Three said they disliked it. And seven had "no comment." So there is something less than unanimous enthusiasm for the exceptional investment of $15 per week per boy.

Of the "76" percent of "successes" in the 25, four were in the army, three were in school, and the other 12 or 13 were employed at jobs with an average hourly wage of $1.72—which, although by no means heroic, was approximately double the previous average of the group.

Some six youths of the 25, however, had been arrested a total of seven times, and one of these had been arrested on the advice of his RYC worker who felt, in this case, it would be best if probation were revoked.

Despite only partial success, its local boosters say that RYC seems to be making better headway with the "hard core" than other programs. They predict that the approach developed on George Street will be headed for larger applications nationally.

The point that dominates all the high hopes and hard work—for New Haven as well as for other places—is the fact that the concept gobbles up dollars. In less than three years well over $300,000 has been poured into the Residential Youth Center—and yet it counts its total involvement as hardly 100 boys. Of this 100 boys many still remain jobless, many still remain arrest-prone. Though steady Federal cut-backs seem to indicate that the Job Corps concept is, indeed, a failure, there is serious question as to whether the national government, or New Haven, can expand a rehabilitation effort—whatever its hopes—when the cost runs to more than $8,000 per boy per year.

A Salute to Lithuanians on the 50th Anniversary of Their Independence

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, February 16, 1968

Mr. YARBOROUGH. Mr. President, today, February 16, we send a warm word of encouragement to a people celebrating their 50th anniversary of freedom—although presently they are under suppression by Communist Russia.

The tiny nation of Lithuania fought its way to independence in 1918 and then made 20 years of unprecedented progress toward the goals of freedom for all men.

During the Second World War, however, the current of events brought Russian armies into the small nation; and after the fighting was over, they simply stayed.

They are still in possession. The Lithuanians, however, have not given up hope of regaining their lost freedom. Each year at this time they celebrate their day of independence.

We in the United States, believers in the rights of men of all nations to be free, rededicate ourselves today to support the liberation of Lithuania.

We cannot forget Lithuania. We cannot allow a terrorist regime to simply take over in any country. We must maintain a positive stand against further Communist infiltration into other lands. Lithuania is a Communist-occupied nation, but it remains a symbol of faith in freedom for those who have seen the tyranny of its present totalitarian rule.

I join the many courageous Americans of Lithuanian descent in Texas, in the United States, and throughout the world in celebrating Lithuanian Independence Day. Let us pledge our support to the triumph of right and decency in the international system of nations.

Honor Our Flag Through Knowledge

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, February 16, 1968

Mr. JORDAN of Idaho. Mr. President, a most laudatory project by the American Legion Post at Paul, Idaho, is presently being conducted. It is one to which I desire to invite the attention of Senators.

Concerned with promoting an appreciation for and an understanding of our American flag, the members of the Paul American Legion have prepared a flag study manual which is now being distributed among Idaho fifth grade classes.

Because such patriotic service as this should not go unrecognized, I think it appropriate at this time to ask unanimous consent to have printed in the Extensions of Remarks a recent article published in the Twin Falls, Idaho, Times-News summarizing the efforts of these fine Americans.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIFTH GRADERS IN IDAHO WILL LEARN ABOUT U.S. FLAG IN LEGION COURSE

PAUL.—About 3,000 flag study booklets are ready for distribution to fifth grade students throughout Idaho.

According to Otha McGill, Idaho flag study chairman for the American Legion, this amount is not sufficient to supply all 16,000 fifth graders in the state, but he feels it is a good start.

The flag study is a course started by Mr. McGill and members of the Paul American Legion, who felt the American people were in need of a flag and Americanism study course. Fifth grade students were selected as the best age-level to take the instruction.

The booklet is a compilation of information taken from similar flag study manuals and is the result of four years study. Information in the booklet is presented on a fifth grade level in a language each can understand.

This is the fifth year the study has been offered in Minidoka County, which served as an experiment to see how the course would be accepted. Boyd Earl, Heyburn School principal, is county coordinator, assisted by Camden Meyer, county school superintendent.

The course has been approved by D. F. Engleking for schools throughout the state.

The first booklet was presented this week to Mr. Meyer, who took several booklets with him to Boise to distribute to school superintendents in Idaho.

The Paul Chamber of Commerce purchased 100 booklets for fifth grade students at the Paul School, the Heyburn Chamber of Commerce purchased 100 for the Heyburn School

and Larry Duff, Minidoka County Prosecuting Attorney, plans to present 20 at the Idaho Youth Ranch.

Other orders have been received from Okinawa, the University of Idaho and Wyoming.

Prior to this year, all expenses for this literature has been paid by the Paul post. Mr. McGill said the post has gone as far as it can and is now asking support of other clubs and organizations.

Approximately 2,000 youngsters have completed this five-week Americanism course. The study has been well received and praised by both students and parents.

The booklet, containing 24 illustrated pages, is titled "Honor Our Flag Through Knowledge." Art work was contributed by Mrs. Harold Wilson, Paul, and Glenice Stevenson, Burley. The Legion is selling the booklets at cost and anyone wishing to purchase one may contact Mr. McGill at Paul.

This flag study program prompted the nomination of the Paul Legion Post and Mr. McGill for the Freedom Foundation award for Americanism sponsored by the Freedom Foundation of Valley Forge, Pa.

Mr. McGill, who is one of the most avid supporters of Americanism in the area, said "I believe that if we ever lose faith in our God and loyalty to our country then we have lost everything."

Plugging the Drain

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 1968

Mr. ROSENTHAL. Mr. Speaker, the Long Island Press, in a perceptive comment on our balance-of-payments problems, pointed out that the travel tax proposed to help restore this balance is both difficult to enforce and basically of small concern. The paper argued persuasively that the travel tax is not, and cannot be, an important element in facing this fiscal problem. The editorial follows:

PLUGGING THE DRAIN

Everybody talks about reducing the United States balance-of-payments deficit, but the only concrete thing Congress and the administration appear ready to do about it is wallop the traveler.

As one member of the House Ways and Means Committee said the other day, after lengthy questioning of Treasury Secretary Henry H. Fowler, "It looks as though travelling is the only ox to be gored." All other proposals for improving the payments situation are only vague generalities.

Mr. Fowler has been trying to sell the administration's travel tax on overseas spending to the House, contending it would cut the $3.5 billion deficit by up to $500 million.

Parts of the program, such as five per cent excise tax on international air fares and on water transportation outside the Western Hemisphere, and a 90 per cent reduction in the duty-free privileges on goods bought abroad, seem reasonable. But the graduated tax on travelers' spending above $7 a day outside the hemisphere is harsh and complicated and difficult to enforce, thus inviting evasion.

Despite its shortcomings, even this travel tax might be justified if travel were the main source of the deficit. But it is not.

Dollars are flowing out through many other corporate and government channels. Travel is only a small part. The travel tax may be useful as a dramatic, psychological device to bring home the message of the need to plug the dollar outflow. And it might make sense if it were part of a concerted plan aimed at all sources of the drain. But it is manifestly unfair—and of questionable value—to force one finger into the dike when many other holes are left unplugged.

What Way in Vietnam?

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 1968

Mr. KASTENMEIER. Mr. Speaker, the attention of all Americans has been focused on the day-to-day events in Vietnam and their impact on our policy in Southeast Asia. Two respected Wisconsin newspapers have recently spelled out their respective positions on the war. The Milwaukee Journal, in an editorial dated February 6, 1968, argues very cogently that the time has come for "reassessment, a hard look at new policies, for new determination to bring this horror to an end before it leads to greater horror."

The Journal editorial follows:

[From the Milwaukee Journal, Feb. 6, 1968]

WHAT WAY IN VIETNAM?

The war in Vietnam may have reached a decisive stage. It is clear from events of the last week that the Communists are far from defeated. The pacification program exists mainly on paper. The South Vietnamese army is still far from able to take over the fighting job. The army and the police have not secured the population centers.

Guerrillas overran 26 provincial capitals, swept over scores of villages, spread terror the length of the land. They stormed the American embassy in Saigon itself and broke into the grounds of the presidential palace. Even now they hold pockets at the edge of the Saigon airfield.

At Khe Sanh our military leaders predict a massive enemy attack, an attempt to create another Dien Bien Phu. It is unlikely the Communists can succeed. We are stronger and more mobile than the French were. But the danger exists.

It is a time for reappraisal of policy. American policies in Vietnam have not worked. We have poured in more and more troops and our casualties have increased. We continue to bomb the north when there is little left to damage there and when, as Secretary of Defense McNamara has said, bombing hasn't shut off supply lines. We talk of peace and make peace offers, but they bring no response from the enemy.

Where do we go from here? Roger Hilsman, formerly director of intelligence and research and undersecretary of far eastern affairs in the state department, said in Milwaukee Monday that he fears we may escalate further by invading the north with ground troops. He says that is where present policies are leading. If that happens, war with China and even the Soviet Union becomes a critical danger.

An alternative could be a slowing down of the war, a gradual deescalation, a cessation of bombing in the north, a holding operation in population centers, coupled with renewed efforts at negotiation.

It isn't enough to say, as President Johnson does, that "we Americans will never yield." There is going to have to be yielding on both sides. The Communists in their reign of terror have unquestionably bettered their bargaining position. They surely have rocked the confidence of any in the south who thought things were improving.

The time has come for reassessment, a hard look at new policies, for new determination to bring this horror to an end before it leads to greater horror.

Mr. Speaker, the Chippewa Herald-Telegram of Chippewa Falls, Wis., took a strong position on the war in Vietnam in a three-quarter page statement on January 19, 1968. This preceded the countrywide attacks launched by the Vietcong and their North Vietnamese allies, but these attacks strongly buttress the Herald-Telegram arguments that the bombing of North Vietnam is ineffective and should be halted as the first step toward settlement of the war.

The thrust of the Herald-Telegram editorial is to call for a reassessment, a new direction in our policy toward Southeast Asia. I commend the publisher of the Herald-Telegram, John M. Lavine, for his personal courage in setting forth a detailed, logical, and persuasive argument, not only with regard to Vietnam, but to other Southeast Asian nations, as well. His statement in favor of halting the bombing reiterates the statements of many thoughtful Americans, both military and civilian.

After a week at home, it is clear to me these are some of the thoughts our constituents are thinking today. Those in responsible policy positions in the administration, and we, in Congress, ignore the significance of these thoughts at our peril. I accordingly urge you to review the Herald-Telegram position which follows:

[From the Chippewa Falls (Wis.) Herald-Telegram, Jan. 19, 1968]

THE UNITED STATES MUST PHASE ITSELF OUT OF VIETNAM

OUR POSITION

We believe that the United States should not have gotten into the Vietnam war, and now that the United States is in Vietnam, we believe that America should draw back and, if possible, get out quickly and with as few losses of life as possible.

WHAT ABOUT THE PACIFIST POSITION?

During the last week Betty Boardman was in Chippewa Falls. Mrs. Boardman is a Quaker, pacifist, and member of the ship, the Phoenix, which went to North Vietnam with medical supplies.

The Herald-Telegram begins this discussion of Vietnam with the position that Mrs. Boardman and all pacifists represent because, in our opinion, it is the most easily disposed of position—since we emotionally admire pacifism, but rationally we strongly disagree with it.

The pacifist believes that all war and killing is wrong and that one should not engage in war for any reason.

Certainly, according to the 10 Commandments this position is justified. Also, it is a moral idea that we believe is right, but, unfortunately, we also believe that before it can be lived, all men must follow it.

And it is a sad matter of fact that all men do not believe in, "Thou shalt not kill."

Hence, as long as men are willing to go to war to gain power over other men and to snuff out other men's freedom, we would go to war to stop such action. Obviously we would do this only if no honorable alternative can be found to fighting.

Certainly, for example, our country's fighting World War II was necessary. Hitler, Nazi Germany and Japan would not be talked out the differences they had with the Allies. And even though the Herald-Telegram believes that no one likes the idea of going to war because of the circumstances, we support,

without qualification, America's participation in World War II.

In conclusion, then, we believe that Mrs. Boardman and all pacifists are idealistically right, but in this less than idealistic world, we believe that their position is wrong.

WHEN SHOULD THE UNITED STATES ENTER WARS SUCH AS VIETNAM?

Having said that we are willing to fight a war, it is only reasonable that we now set forth the criteria upon which the Herald-Telegram believes that the United States should fight a war in another country.

The criteria we now note we have borrowed from Wisconsin Senator Gaylord Nelson—one of the first senators who, years ago, voted against the introduction of U.S. ground forces into Vietnam. We have adopted these criteria because we believe they are sound and because Nelson, like the Herald-Telegram, is not against all wars. Rather, based on these criteria, he is specifically against U.S. entry into the Vietnam war. The criteria are:

First, the United States should only enter a war if such an entry is in our country's best interests. It is simply impossible for this country to enter any war that any friendly nation stirs up.

The United States does not have the lives to waste nor the money to spend on such wars. Rather, this nation can only go to war when to do so is in our country's best interest, as determined by a majority of the Congress and by the executive.

Second, America should only enter a war in another land if the government of that country has the majority of its people behind it. Further, that nation should have at least the military potential to fight a substantial offensive battle by itself.

The reason the Herald-Telegram stipulates this second condition is simple to understand. If the people of a country are not in favor of a war that America and its government are fighting, the war cannot be won. It cannot be won since the enemy will get too much support from the country's population.

Also, if the country the U.S. is helping does not have even the military potential to muster an offensive fighting force of its own, we will find ourselves fighting and, hopefully, winning a battle for the country we are helping—only to have them lose what America has won after our troops have left.

THE MILITARY ASPECTS OF VIETNAM

To understand why the Herald-Telegram is against the war in Vietnam, one should understand some miltary facts about that war.

First, though the U.S. is not winning the Vietnam war in the South, we are now slowly making military progress there. Yet, for reasons we will go into later in this presentation, the Herald-Telegram believes that the U.S. can never win the Vietnam war in a conventional, military sense of the term.

Second, there has been a great deal of talk about the worth, or lack of worth, of bombing North Vietnam. Yet, joining the secretary of defense—as recently as a few months ago—as well as a number of other military experts, the Herald-Telegram feels that the bombing of the North has possible psychological effect, but has little military effect.

That is, U.S. intelligence sources point out that the North Vietnamese can carry into South Vietnam on their backs and on bicycles all of the war materiel that is necessary. Hence, the bombing does not at all slow down the flow of materiel to the South.

What does it do, then, if it does not slow down the flow of materiel? It does cost the Communist countries—such as Russia, China, the satellite countries, etc.—more materiel for them to supply to North Vietnam. But that cost will not stop nor continue the war.

Also, the bombing of the North does not seem to have pushed the North Vietnamese into admitting defeat, as it was supposed to. Quite the contrary, like the bombing of England, the bombing of North Vietnam seems to have helped build up morale in the North. And though the bombing of England could be defended on the basis that it, and a blockade, stopped supplies and essentials from reaching England, the bombing of North Vietnam cannot be looked at in the same way. North Vietnam is not an island. As a result, despite the bombing North Vietnam can always get supplies from China on its northern border, even if America shut off all shipping to North Vietnam.

WHY WE CAN'T WIN THE WAR IN SOUTH VIETNAM

There are a number of reasons why the Herald-Telegram believes that neither the United States nor the South Vietnamese can win the war in the South of Vietnam.

The prime reason harkens back to the second criterion we set forth for this country going into any foreign war.

That is, from the support that the Viet Cong and the North Vietnamese regulars are getting from the natives in the villages and towns of South Vietnam, it is obvious that the South Vietnamese people are not, in a majority, in favor of their government and-or this country fighting a war with the North.

A crucial distinction in this situation can be drawn between the war in South Vietnam and any other war the U.S.A. has fought. Certainly, when this country fought in Europe in either of the World Wars or in Korea, one basic difference was that our men knew that once they had captured or recaptured a village or city, the natives—with little exception—welcomed the U.S. and allied troops. And the natives were, by and large, quick to turn over any and all enemy guerrillas who were hiding among them.

Yet, this sort of support is almost totally lacking in Vietnam.

It is also because of this lack of support that the U.S. faces the situation that, even if this country negotiated a peace settlement that we were happy with, all that the Viet Cong and the North Vietnamese would have to do is to tell their troops to again break down into small, guerrilla units that dress like, act like, and live among the South Vietnamese villagers.

Doing this, the V.C. and North Vietnamese could continue to fight the war forever with no fear of our ever being able to find and destroy them.

One other military fact should be noted about the war in South Vietnam. That is, with the exception of a few "show units," the South Vietnamese are not basically fighting the war against the North Vietnamese regulars and against the V.C.

The South Vietnamese are not fighting the offensive war. The United States is.

Again, following the second of the two standards we set forth for U.S. participation in a foreign war, the question should be asked: even if the U.S. wins the Vietnam war and gets a peace settlement, can the South Vietnamese hold onto what has been won when U.S. forces have in majority, pulled out after a settlement?

THE DOMINO THEORY

One of the reasons that the United States is fighting in Vietnam according to the U.S. government is that, by the Domino Theory, if Vietnam falls so does the rest of Southeast Asia.

At the outset, it should be noted that this theory is not true.

In fact, many Asian experts effectively argue that Asia's so-called "wars of national liberation" are more aggravated by the presence of U.S., white, western soldiers than they are helped by any degree of possible aid the U.S. can give them.

Also, no form of logic that the Herald-Telegram can follow suggests the following: Because America will not fight a war in South Vietnam and because America does not believe that the Vietnam war can be won, therefore all of the rest of Southeast Asia will go Communist.

Quite the contrary, in Indonesia, for example, the Communists were butchered by the thousands by the Indonesians themselves—and this happened at a time when the United States was not only not in Indonesia, but was doing quite poorly in South Vietnam as well.

Also, just because the Herald-Telegram believes that America should not be fighting and cannot win in South Vietnam, does not mean that we believe that the United States shouldn't fight for example, in Thailand or Israel or Latin America if we were asked to fight there. We should fight if the country who asked us to help them met our criteria for U.S. entry.

Obviously, as a matter of common sense, however, America should try to support these other countries in every way short of war. But, if they meet our criteria, and if support short of helping them fight does not suffice, then we would certainly consider combat help.

SUMMATION OF WHY THE HERALD-TELEGRAM OPPOSES THE VIETNAM WAR

Based on the preceding, the Herald-Telegram believes that the United States should not be involved in the Vietnam war.

The government of Vietnam obviously does not represent the will of the people of South Vietnam. If they did, the people would support the American and South Vietnamese military efforts, and they are doing so only in a minority—which makes the Viet Cong continuance possible.

Also, the Herald-Telegram believes that the bombing of North Vietnam should stop, as it only drives the North Vietnamese together and does not materially slow down the war—as so many, many months at such great expense have shown.

Now, though the Herald-Telegram believes that Vietnam is not a conventional war and cannot be conventionally won, we do believe that communism must be stopped, if—and this is the important qualification—if the country where the Communists are active wants our help in getting rid of them; if the government which asks for our help is representative of the majority of the people; if helping is in America's best interest; and if America—together with the rest of the allies—helps in every way short of war before our government considers combat help.

Finally, having established that the Vietnam war cannot be won, a final point should be made.

Not only can the U.S. not win the Vietnam war, but to escalate that war would only force Russia and China to enter the war. China would enter because she will think that America is trying to surround her, since North Vietnam is on China's border. And China's entry would force Russia into the action, if Russia is going to maintain her place as leader of the Communist world.

And America certainly does not want to go to war with Russia and China at the risk of the destruction of the world, for a war in Vietnam which we cannot win anyway.

Furthermore, our bombing of North Vietnam and major involvement in the Vietnam war directs America's attention to small Vietnam.

If we were not involved in the Vietnam war, however, America could take advantage of the very real and deep split between Russia and China.

That is, Vietnam is now keeping Russia and China somewhat together. While if the U.S. were not in Vietnam, the Sino-Soviet split would certainly work in favor of limiting the power and activities of Russia and China to the benefit of the allies and the free world.

OUR SOLUTION FOR VIETNAM

The Herald-Telegram believes that the first step towards any solution of the Vietnam conflict requires a stopping of the bombing of North Vietnam.

It is politically impossible for Ho Chi Minh to be able to suggest peace talks to his people while his country is being bombed. And, as we pointed out in the preceding, the bombing of the North has given our forces little, if any military benefit. Hence, stopping it will not materially hurt the U.S. position; and it would put the responsibility for peace talks where it belongs—on North Vietnam's shoulders.

Second, to date, the South Vietnamese have not handled the majority of the offensive part of the war. Rather, it has been our U.S. troops which have led most of the search and destroy missions and most of the activity in the DMZ.

Now, as the Herald-Telegram noted in our second criterion for America to enter another country, it is essential that the country the U.S. is fighting with have adequate military potential to be able to be offensive by itself.

Certainly, the U.S.A. has been in South Vietnam long enough and has given the South Vietnamese military all of the training and material they need to fully develop their military potential.

It is now time for this country to turn over to the South Vietnamese the offensive side of their war. Their troops should conduct the Search and Destroy Missions and the activity in the DMZ and the Delta.

And if the South Vietnamese cannot militarily handle this activity, then America had better learn this now. If America finds the South Vietnamese unable to be offensive, then any further fighting on our part would be useless—as the South Vietnamese Army would lose whatever America wins for them as soon as the war is over and the U.S. has withdrawn.

In short, the Herald-Telegram believes that the U.S. should stop the bombing of North Vietnam.

If the stopping of the bombing does not bring about peace talks—and we think that Ho Chi Minh will have to talk if the bombing stops—then the Herald-Telegram would still support America cutting back our military action to defensive and advisory status. By so doing, the U.S. would also be able to see if South Vietnam really wants to fight its own war, and if the South Vietnamese are capable of doing so—which, sadly, we doubt.

America should not have gotten into Vietnam on a combat level in the first place. Yet that decision is now history.

Since our country is in Vietnam, we cannot just pull out overnight, but we can substantially change the emphasis and degree of U.S. involvement in the war. We can change it so that the move for peace is North Vietnam's—not ours. And we can change it in the South so that it becomes a war fought, in the main, by the South Vietnamese—and not by Americans.

Certainly, those two steps would be vitally important moves towards ending hostilities and towards putting American involvement in its proper and lesser place.

National Young Citizens' Committee for an Atlantic Convention

HON. FRANK CARLSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Friday, February 16, 1968

Mr. CARLSON. Mr. President, I invite the attention of the Senate to the formation of a National Young Citizens' Committee for an Atlantic Convention.

The committee is composed of State and National leaders of the junior bar section of the ABA, the Jaycees, Young Republicans, and Young Democrats. These individuals have joined in this effort with the thought in mind of evidencing to the Congress the broad scope of appeal that Senate Concurrent Resolution 13 enjoys.

The concurrent resolution was submitted in this session by the Senator from Minnesota [Mr. MCCARTHY] and myself and has received cosponsorship from 17 of our colleagues. The concurrent resolution would place the Nation in support of an Atlantic Convention, which would seek to develop some sort of Federal answer to the problems now facing the NATO alliance.

The chairman of the Young Citizens' Committee is D. Bruce Shine, an attorney from Kingsport, Tenn., who served on the staff of two former Members of this body from Tennessee, Senators Estes Kefauver and Ross Bass.

I ask unanimous consent that a list of the names and addresses and biographical data of the committee members be printed in the Extensions of Remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF MEMBERS OF YOUNG CITIZENS' COMMITTEE FOR AN ATLANTIC CONVENTION

Joy Aulani Ahn, 29; 3762 Claudine Street, Honolulu, Hawaii 96816; Hawaii State Young Democrats, National Committeewoman; Vice President, United Nations Assoc., Hawaii Chapter.

Alan Ahrens, 24; Elberfeld, Ind.; Former College Republicans Chairman for Indiana.

Robert Apps, 29; 46 Beauchamp Road, Malvern, Worcestershire, England; Chairman, West Midlands Area Young Conservatives; Member, Young Conservative National Advisory Committee.

Gary L. Avery, 23; 1015 Huntoon, Apt. 4, Topeka, Kansas 66604; Director, Little Rock Jaycees; Executive Committee, Young Democrats.

Miette Baeteman, 19; Leopoldwal, 29, Tongeren, Belgium; Delegate to ATA Assembly, Munich and Luxembourg, 1966 and 1967; law student, Free Univ. of Brussels.

John A. Berman, 35; 242 Thumbull St., Hartford, Conn. 00103; Member, Committee on Awards, Young Lawyers Section, American Bar Association.

Claude E. Berreckman, 34; 801 Meridian Ave., P.O. Box 214, Cozad, Nebraska 69130.

Carl R. Biletta, 34; 1316 Riviera Blvd., Vineland, N.J.; Past National Director, New Jersey Jaycees.

Edward F. Bishop, 35; 50 Barnes St., Providence, R.I., 02906; Past President Providence Jaycees; Past State Vice President, Rhode Island Jaycees.

David L. Bowers, 23; 4002 Sylvania Ave., Toledo, Ohio 43623; Chairman, Midwest Federation College Republican Clubs; Past Chairman, Region V, College Republican National Committee.

Mrs. Sandra Braren, 23; 6322 Magazine St., New Orleans, La. 70118; President, 2nd District Young Republicans; Member, Board of Directors, Metropolitan New Orleans Republican Political Action Council; Member, Louisiana Republican State Central Committee.

Russel L. Brown, 32; 501–C Front St., P.O. Box 1125, Ketchikan, Alaska 99901; Chairman, Young Democratic State Central Committee; Chairman Ketchikan Consolidated Democratic Precinct Committee.

Paul Burke, 33; 5110 West 87th Street, Prairie Village, Kansas 66207; Commissioner, Kansas Turnpike Authority; Past Chairman, Prairie Village Republican Central Committee.

J. Frank Cafferty, 33; 1601 Interlaken Pl., E., Seattle, Washington 98102; Staff Member, Washington State Senate; Former President, Overlake Democratic Club.

Marvin C. Cecil, 31; 105 7th St., North, Naples, Florida 33940; Past President, Naples Jaycees; Past Vice-President Florida Jaycees.

Len Chow, 27; P.O. Box 2698, Boise, Idaho 83701; National Director, Idaho Jaycees; President, Capital Jaycees.

Darryl R. Cochrane, 28; 1564 Harvey St., Muskegon, Mich. 49442; Chairman, Young Lawyers Section, Western Michigan, Michigan Bar Association; Democratic Precinct Delegate.

Milton-Core, Jr., 34; P.O. Box 652, Denham Springs, La. 70726; Past President, Louisiana Jaycees; Secretary-Treasurer, local Rotary Club; Manager, local Chamber of Commerce.

P. D. Darrah, 30; 27 Kelton St., Saint John, New Brunswick, Canada; English-Speaking Section, Young Liberal Federation of Canada.

Peter Dölle, 23; 6419 Silger/Schule, West Germany; Student.

Charles J. Driebe, 34; Box 565, Jonesboro, Georgia 30236; President, Young Democrats of Georgia.

Dennis Elpern, 21; RD No. 1 Etters, Pa. 17319; College Republican National Committee, 1966–67; Chairman, D.C. College Republicans, 1966–67.

Fritz Endris, 29; 722 E. Main St., Greensburg, Ind., 47240; Past President, Decatur County Young Democrats; elected Mayor of Greensburg, Nov., 1967.

David T. Flaherty, 38; 803 Hospital Ave., Lenoir, N. Carolina 28645; National Co-Chairman of Campaign, National Federation of Young Republicans.

Douglas R. Fonnesbeck, 23; 295 N. 1st W., Logan, Utah 84321; Regional Director, Young Democratic Clubs of America; National Committeeman, Young Democrats of Utah.

Wolfgang V. Geldern, 22; Groner-Tor-Strasse, 14–15, 34 Göttingen, West Germany; President, CDU Students, State of Niedersachsen/Bremen.

John Robert Gower, 36; 507 N. Joslin St., Charles City, Iowa 50616; Past President, Charles City Jaycees; Past State Vice President, Iowa Jaycees; Member, Young Republicans.

William M. Hartman, 28; 420 So. Kenilworth, Oak Park, Ill. 60302; Educator.

Wolfgang Häseker, 21; Grimmstr, 7, 44 Münster, North Rhine Westphalia, West Germany; Chairman, Christian Democratic Union's Student Organization, 1967.

Jörg Herrmann, 27; Regensburger Str. 14a, Berlin 30, West Germany; State Chairman, Christian Democratic Students.

Gene Karp, 30; 5855 E. Wilshire Terrace, Tucson, Ariz. 85711; Arizona Democratic Precinct Committeeman.

Roger J. Keast, LL.B., 24; "Gwellyets," Treyew Road, Truro, England; Chairman, West of England Area, Young Conservatives; Member, Young Conservatives National Executive; Ex-Chairman, Exeter University Conservative Club.

Henry E. Kerry, 34; 200 Fort Worth Club, Fort Worth, Texas; President State Junior Bar Association of Texas; Member, Executive Council, Young Lawyers Section, American Bar Association.

Joseph Paul Kieboom, 29; Willem van Oranjelaan 56, Den Bosch, The Netherlands; Member, International Student Movement for the U.N.; Member, The European Movement; Vice-President, Organizing Committee of The Congress of Europe, Atlantic or Continental Orientation, 1965.

Jacob W. Kipp, 25; 525 S. Bernard St., State College, Pa. 16801; Vice-President,

Centre County Young Democrats; Chairman, Pennsylvania Democratic College Caucus.

James M. Klebba, 24; 330 8th St. S.E., Minneapolis, Minn. 55414; Past Director, New England Region, College Young Democrats; Past President, North Central Region Association of International Relations Clubs.

Dr. Lothar R. Kraft, 31; Tulpenbaumweg 23, 532 Bad Godesberg, West Germany; Secretary General, Young Christian Democrats Union.

Peter Krätz, 27; Saarbrückerstr. 171, 6604 Brebach-Fechingen, West Germany; President, Department of the Press and Information, Youth Union of the Saar.

Mrs. Norma Laskey, 36; 6164 Guilford Ave., Detroit, Mich. 48224; Vice-Chairman, Wayne County (Detroit) Republican Committee; Past Member, Young Republican National Executive Committee.

Raymond Long, 38; RR3, Campbellville, Ontario, Canada; Educator.

Hon. Donald B. Lukens, 36; Suite 1338 Longworth Office Bldg., Washington, D.C.; U.S. Congressman from Ohio; Past National Chairman, Young Republican National Federation.

Darrell March, 33; Box 407, Wyoming, Ill. 61491; Past National Director, Illinois Jaycees; Editor, Illinois Future.

William D. Mason, 33; 14 Oxford Road, Scotch Plains, N.J. 07090; Past National Director, New Jersey Jaycees.

Mrs. Donald R. McCullough, 35; 4402 Humble St., Midland, Texas 79701; Secretary Midland County Young Republicans; Secretary, State of New Mexico Young Republican Federation.

Michael McGuinnes, 22; 768 Maple St., Rocky Hill, Conn. 06067; Chairman and Former Treasurer, Fairfield University Young Democratic Club; Former Secretary and Treasurer, Connecticut Young Democratic Research.

Patrick P. McNally, 29; 4 Hedgley St., Lee Yoren, London S.E. 12, England; Member, Campaign for a Political Community; Member, Canadian Peace Research Institute.

Manford L. Meade, 32; 6th and I Ave., Limon, Colo. 80828; Past Vice-President, Colorado Jaycees.

Jack M. Meyer, 31; 1338 Ellison Ave., Louisville, Ky. 40204; Past Vice-President, St. Matthews (Louisville) Jaycees; Past International Affairs Director, Kentucky Jaycees; Tabulation Chairman, "Nunn for Governor" (Republican) campaign, 1967.

Anthony N. Moore, 19; 2408 Longview, Apt. 202, Austin, Texas 78705; Member, Young Democrats.

Don Moyor, 37; North St., Duncan Falls, Ohio 43734; President, Muskingum County Young Democrats; National Committeeman, Ohio Young Democrats.

William G. Myers, M.D., 36; 9 East Coconut Way, Hobe Sound, Florida 33455; Chairman, Martin County Republican Executive Committee; Past President, Martin County Young Republicans; Hobe Sound Chamber of Commerce.

Dieter Noll, 27; An der Ochsenwiese 18, 645 Hanau, West Germany; President, Christian Democratic Students in Hessen; Student in Mannheim.

Roger D. Olson, 32; Box 1022, Mitchell, South Dakota 57301; Chairman of the Board and Past President, South Dakota Jaycees.

Edward J. Orlett, 33; 726 Redway Circle, Dayton, Ohio 45426; President, Greater Dayton Jaycees; Past Chairman, National Council of Catholic Youth; Past National President, National Newman Student Association; Past President, Young Democrats of Montgomery County, Ohio.

Robert J. Owens, 23; Blue Earth, Minn. 56013; National Committeeman, Minnesota Young Democrats; Past President, Minnesota Young Democrats.

Robert D. Parks, 34; 1520 S.W. 70th St., Oklahoma City, Okla. 73159; National Treasurer United States Jaycees (1966–67).

Philippe L. E. Picard, 31; Des Taxandres #5, Brussels 4, Belgium; Member, Belgian Atlantic Treaty Association; Attorney.

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A–1c. Robert Powell, 41; Box 5947, 26th CSG, APO New York 09012.

Richard Rausch, 31; No. 201, 220, 2nd St., S.E., Washington, D.C. 20003; Deputy Chief, Mid Atlantic VISTA Recruitment; Executive Secretary, Young Democratic Clubs of America, 1962–1964.

Alan Reed, 27; 5141 Randolph St., Lincoln, Nebraska 68510; Member, Nebraska Young Democratic State Executive Committee; APSA; ACLU.

Darrell G. Renstrom, 36; 1255 New Hampshire Ave., NW, No. 601, Washington, D.C. 20006; Legal Counsel, National Education Association; Post Chairman, Northwest Conference Young Democrats.

Martin R. Root, 24; 4200 S.E. Jennings Ave., Portland, Oregon 97222; Chairman, Western Federation of College Republicans; Congressional District Director, Oregon Young Republicans.

Dr. ivr. ubr. Erich Röper, 28; Kaiserstr. 26, 53 Bonn, West Germany; Vice-President, Federal Board, Student Organization of CDU–CSU.

Bruce P. Rossley, 21; 227 Commonwealth Ave., Boston, Mass. 02116; Immediate Past President, New Hampshire Young Democrats; Past Member, Young Democrats National Committee.

Jürgen-Bernd Runge, 23; Walter-Dinze-Str. 11, Berlin 45; West Germany; Member CDU party; Leader, Christian-Democratic Student Organization, University of Berlin.

K. G. Rush, 37; 1750 Pembrook Road, Springfield, Ohio 45504; Past State Chairman, Board of Governors, Young Lawyers Section, Ohio State Bar Association; Past Chairman, Lawyers of Other Lands, Young Lawyers Section, American Bar Association; Past President, Clark County (Ohio) Young Democrats.

John E. Shandbower, III, 32; 6 Mardrew Road, Baltimore, Md. 21229; Membership Committee, Young Lawyers Section, American Bar Association.

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Wulf Schönbohm, 26; Kaiserstr. 26, 53 Bonn, West Germany; Federal Chairman, Union of CDU–CSU Students.

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Larry E. Simpson, 33; RFD #1, Sebago Lake, Maine 04075; President, Maine Jaycees; Standish Republican Town Committee.

Charles R. Singman, 21; 8121 Pleasant Plains Road, Towson, Md. 21204; President, Towson State College Democrats; Vice President, Maryland Federation of Young Democrats.

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B. J. Steinerson, 26; Box 52–213 Patio, Wendover, Utah 84043; Member, Young Democrats.

Gerald M. Stevens, 37; 1009 Meadow Drive, Oqosso, Mich. 48867; Member, Clients' Security Fund, Young Lawyers Section, ABA; Young Republican.

Edward H. Stoll, 34; 221 East 10th St., New York, N.Y. 10003; Colorado Delegate, 1965 Young Democrats National Convention.

Bernard A. Streeter, Jr., 32; 26 Indiana Drive, Nashua, New Hampshire 03060; Former National Director, U.S. Jaycees; Vice-Chariman, New Hampshire Federation, Young Republican Clubs; Past President, Nashua Young Republicans and Nashua Jaycees.

Robert O. Voreis, 18; 725 Windsor St., Orangeburg, South Carolina 29115; Former State Teen Age Republican Chairman.

Dr. Rudolf Wagner, 45; Clemenstr. 18/111, 8 Munich, West Germany; President, Union Atlantischer Federalisten; Board Member, International Movement for Atlantic Union.

Christopher Ward, 24; 2 Pinkneys Road, Maidenhead, Berkshire, England; Member, Berkshire County Council; Chairman, Wessen Area Young Conservatives.

Daryl R. Watts, 30; 410 S.E. 3rd St., Eagle Grove, Iowa 50533; Past National Director, Jaycees; Past State Vice-President, Iowa Jaycees; State Chaplain, Iowa Jaycees.

M. Suzanne Weaver, 37; 136½ Mill St., Athens, Ohio 45701; President, Athens Business and Professional Women's Club.

Richard Weber, 26; Box 425, Bismarck, North Dakota 58501; State President, North Dakota Young Democrats; National Director, Association of Political Sicence Instructors; Member, American Political Science Association.

Ted E. Wedemeyer, Jr., 34; 110 E. Wisconsin Ave., Milwaukee, Wis. 53202; National Vice President, U.S. Jaycees.

James W. White, 40; 354 N. Jefferson St., Kittaning, Pa. 16201; Past President, Young Democrats of Pennsylvania; Former Special Assistant to President of Young Democrats of America.

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Avery Lee Williams, 32; 26 Jenny Lind St., North Easton, Mass. 02356; Past State President, Massachusetts Jaycees.

Edith E. Williams, 35; 1818 Security Life Bldg., Denver, Colo. 80202; Past National Committeewoman, Colorado Young Republicans; Member, Denver Chamber of Commerce.

Guy B. Wilson, 24; 2545 Murville, Brossard, Quebec, Canada; President, Quebec Student Liberals; Vice President, Young Liberals of Canada.

G. Dean Zimmerman, 25; 815 East Lincoln Ave., Olivia, Minn. 56277; National Executive Committee, United Campus Christian Fellowship.

Limited War—Limited Peace?

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 1968

Mr. TALCOTT. Mr. Speaker, in my search for possible solutions to the war in Vietnam, I have researched and studied some of the circumstances and events leading up to our negotiations with the North Koreans during the "Korean police action."

Many U.S. citizens are yearning for

the commencement of "negotiations for peace."

An article written by Capt. E. J. Carroll, Jr., U.S. Navy, more than a year ago regarding Korean negotiations is still pertinent to the Vietnam conflict.

Under unanimous consent I include this discussion from the December 1966 "United States Naval Institute Proceedings":

LIMITED WAR—LIMITED PEACE?

(By Capt. E. J. Carroll, Jr., U.S. Navy)

As the Vietnam conflict accelerates into its third year since the Tonkin Gulf torpedo boat attacks, the question of final resolution becomes increasingly vital. Will we have general war? Will the Viet Cong melt away into jungle and swamp to return and fight another day—or decade? Or will peace talks materialize and result in a negotiated settlement as did the Korean conflict 13 years ago?

There is much in the present politico-military situation in Vietnam which suggests an armistice as the logical outcome. The apparent unwillingness of the United States to resort to strategic warfare and weapons appears to be matched by that of the Soviet Union. Such action is beyond the current capabilities of Communist China.

The cautious expansion of the level of conflict by the United States, plus our repeated entreaties for peace talks, indicate the greatest reluctance to force the enemy into a position where "the golden bridge" of negotiation is not open to him. The long Communist record of pragmatic realism makes it seem highly unlikely that Hanoi will simply abandon its many positions of strength in the face of military defeat without accepting peace negotiations. Thus, if our increasing military pressure prevails, we may logically anticipate an armistice arising from negotiations with a Communist foe.

It is in this sense that we may look to the Korean Armistice as a valuable source of guidance. The Korean Armistice clearly evidences many weaknesses which are traceable to failures in the negotiating process. Some of these failures, in turn, were due to poorly defined objectives, or lack of unanimity among U.N. representatives. A careful examination of the strong and weak points of the Armistice Agreement, with an explanation of their genesis, will lead to certain conclusions concerning how related matters might better be treated in Vietnam.

First, what is an armistice? From a legal standpoint there is very little which is formal or foreordained. International Law establishes only a rough framework within which agreement must be reached. Three points are critical in the framing of a traditional armistice. These are: determination of the duration of the agreement and specification of the conditions warranting resumption of hostilities; a list of prohibited acts; and, delineation of the geographic scope within which the provisions of the armistice apply. Modern practice, as evidenced by both the Korean Armistice Agreement and the Geneva Agreements of 1954 concerning Indochina, looks to the creation of neutral supervisory authorities to enforce the observance of an armistice. There is no provision of either conventional or customary law which requires such supervisory bodies. It is entirely fair to say that the final form and content of an armistice is more a reflection of the relative strength of the parties than it is of International Law. Force of arms, preparation, determination, and negotiating skill are all important elements which decide the degree to which one side may impose its will upon the other in an armistice agreement.

In Korea, we fared very well on the issues of duration and geographic scope. The armistice was to "remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides." It has! Despite frequent major and minor breaches of almost every provision of the Agreement, it remains an important aid in the maintenance of an uneasy peace in Korea.

The Agreement was particularly successful in establishing the geographic scope of the Armistice. The carefully defined, marked, and patrolled geographic boundary established between the opposing forces had prevented any possibility of the inadvertent resumption of hostilities. Only by a major, overt, and obviously premeditated attack can one side pose a significant military threat to the other side. The elimination of the temptation to engage in ambiguous, nibbling encroachment, with its attendant risk of gradual escalation into a state of general hostilities, is certainly the prime virtue of the Korean Armistice Agreement.

These two strong features of the Agreement were accepted by the Communist side at a time when the U.N. delegation, led by Vice Admiral C. Turner Joy, was at the peak of its effectiveness. A brief review of the history of the negotiations explains this fact. Truce talks first opened on 10 July 1951 at Kaesong, Korea. Both the time and the place were dictated by the Communists. They exercised full military control in Kaesong and exploited this fact to humiliate both U.N. delegates and representatives of the Free World's press. The despicable treatment accorded our senior officers at Kaesong was intended to place them in the role of defeated supplicants who had come to beg for mercy from the victors. Admiral Joy's description of this in his book *How Communists Negotiate* is a chilling reminder of the importance of the physical and procedural aspects of the negotiating process. He also stresses the importance of developing an objective agenda before opening talks, noting persistent Communist attempts to dictate an agenda which contained many provisions favorable to their side.

Recognizing our error in commencing the talks without proper preparation and under highly unfavorable conditions, talks were broken off in August and remained recessed at U.N. insistence until 25 October 1951 when they reopened at Panmunjom under acceptable conditions. Furthermore, U.N. military pressure during the long recess helped to persuade the Communists to renew the negotiations in a spirit much more conducive to early agreements. Almost immediate acceptance of the basic U.N. proposals concerning duration and geographic scope resulted.

In return for acceptance of the U.N. proposals, the Communists pushed hard for a *de facto* cease fire in November 1951. General Matthew B. Ridgway, the U.N. Commander, strongly opposed such an agreement:

"To accept a *de facto* cease fire would jeopardize the United Nations military position and military negotiations in Korea. A *de facto* cessation of hostilities prior to reaching agreement on armistice terms would enable the enemy to augment his ground and air strength in close proximity to the battle line. The security of United Nations Command forces would thereby be seriously compromised. With a *de facto* cease fire the enemy could prolong indefinitely discussions on other agenda items."

Regrettably, General Ridgway's penetrating analysis of the Communist strategy was not reflected in his concurrent order of 12 November to the Eighth Army. General James A. Van Fleet was ordered to cease offensive operations in Korea and begin an active defense of the Eighth Army's front. This surrender of the military initiative to the Communist forces led to growing initiative and intransigence on the part of their negotiators.

From this point on, critical decisions went very poorly for the United Nations. Vital U.N. proposals concerning arms control measures; the membership functions, and authority of the Military Armistice Commission and the Neutral Nations Supervisory Commission; reporting requirements; limitations on airfield development; and provisions for aerial observation were all rejected or emasculated.

We tamely accepted ineffective, imprecise Communist counterproposals which greatly weakened the Armistice Agreement as a peacekeeping measure. The failure to prohibit the rehabilitation of airfields in North Korea guaranteed that a major shift in the military balance would occur as soon as U.N. air operations ceased. Limitations on the number of ports of entry subject to inspection by the Neutral Nations Supervisory Commission (NNSC) Inspection Teams as well as Communist inspired restrictions on the freedom and authority of the Inspection Teams insured the opportunity for illegal reinforcement and re-equipment of Communist forces in North Korea.

Similarly, the failure of the Military Armistice Commission (MAC) and NNSC to contribute significantly to the maintenance of peace in Korea may be attributed to weakness at the bargaining table resulting from the premature relaxation of military pressure on the enemy. The MAC is now a debating team with no real authority to redress any violation of the Armistice. The NNSC is almost totally devoted to ceremonial functions, exercising no control whatsoever over the opposing sides anywhere in Korea.

Every Communist-sponsored compromise foredoomed these agencies to impotence. As a result, the real sanctions against the resumption of hostilities in Korea today are huge, heavily armed, expensive military forces maintained there by both sides, not the terms of the Korean Armistice Agreement.

Negotiations finally collapsed completely in October 1952 on the issue of voluntary repatriation for prisoners of war. Just as General Ridgway had warned months before, the absence of military pressure gave the Communists freedom to "prolong indefinitely discussions on other . . . items." On this one simple, relatively unimportant point the conclusion of an Armistice was delayed 17 months. The United States alone suffered more than 24,000 casualties while this one issue was resolved. It is difficult to believe that vigorous prosecution of favorable military conditions enjoyed by the U.N. in November 1951 would not have produced much earlier agreement on this point. It is a fact that the Communist side almost immediately communicated its willingness to reach a final settlement very shortly after Secretary of State John Foster Dulles "leaked" the word to Prime Minister Jawaharlal Nehru of India that the United States would expand the war unless satisfactory progress was made soon in peace negotiations. Even the threat of significant military pressure seems to have produced willingness to reach an agreement in 1953.

Even more illuminating is the fact that on this one issue the U.N. representatives returned to the well prepared, detailed, and determined negotiating tactics adopted immediately after the Kaesong debacle. After the Communists offered a vague and ambiguous eight-point proposal for effecting the exchange of prisoners, the United Nations countered with a precise 26-point proposal which left no room for later dispute. A Neutral Nations Repatriation Commission (NNRC) was established. Unlike the weak supervisory bodies previously created, this one was given a strong independent Executive Agent (India). The Executive Agent was authorized to employ its own armed troops in the execution of the POW exchange. Backed by its own power, free of crippling restrictions, not bound by the need for unanimity as were the other supervisory agents, the NNRC effected an orderly exchange of prisoners despite significant diffi-

culties generated by both parties to the exchange.

Thus, the pattern emerges. The Korean Armistice Agreement is still strong and viable on those issues which were well planned and fought for vigorously by the United Nations. It is weak, or openly repudiated by both sides, in those features which were determined during a period when the United Nations allowed an overpowering desire for an early peace to blind us to the realities of dealing with an unscrupulous enemy. Careless compromise, unenforceable prohibitions, and ineffective agencies were all accepted by the United Nations after surrendering the military initiative to the Communist side. We pay a heavy price for these shortcomings every year in order to maintain peace in Korea.

How may we improve on these results in Vietnam? A number of actions seem obvious. First, start preparing for negotiations now! Plan the conduct of armistice negotiations just as military campaigns are planned. An Armistice Planning Group should be established immediately. Appropriate military and civilian members with good, tough minds and a high degree of physical stamina should be selected. Given authoritative policy guidance from the highest levels of government concerning the exact political objectives to be satisfied by a cease-fire agreement, the members should work out detailed proposals for a military settlement to achieve these objectives. Such proposals should be tested in moot truce talks against "devil's advocates" in order to analyze probable enemy counter proposals and to strengthen the arguments and negotiating techniques of our own members. The most effective members of the Planning Group should be selected for duty with the true talk delegation.

Next, sufficient military pressure must be sustained to induce the enemy to make the first overtures for actual negotiations. There can be no question that our present level of military activity in Vietnam has been carefully controlled by U.S. policymakers with just this result in mind; and, that the control exercised in Vietnam is the most sophisticated, sensitive, effective political direction the U.S. military has ever received. A difficult political situation with global ramifications has been managed adroitly to date. If we continue to be resolute in our military policies we shall be in an excellent position to force the enemy into making the first concrete proposals for peace talks.

It is safe to predict that the first Communist gambit will be to hint at a willingness to talk if we stop bombing in North Vietnam. No such concession should be considered. One need only look at the results of the U.S. bombing moratorium in North Vietnam from 24 December 1965 to 31 January 1966 to see the danger of such action. Our "peace offensive" was regarded as a sign of weakness by the Communists who ridiculed and maligned our motives. At the same time they exploited the hiatus by repairing their roads and railways, doubling the infiltration rate of troops into the Republic of Vietnam (RVN), and expanding SAM antiaircraft defenses into new sectors of North Vietnam. While the "peace offensive" may have been necessary in the world community, and may have produced political gains there, the military costs are still being paid in Vietnam. Not one element of military pressure should be relaxed as a prelude to negotiations. Conclusion of an acceptable armistice should be the only signal for ceasing operations.

The enemy's invitation to open peace talks should be accepted only under conditions entirely satisfactory to the United States and the RVN. Any proposal to conduct peace talks as an extension of the 1954 Geneva Conference on Indochina must be rejected. Neither the United States nor the RVN ever accepted the Geneva Agreements because they represented the terms of an abject French surrender to Communist pressure, not a workable plan for peace in the area. Any attempt to revive these moribund documents can work only to the advantage of the Communists. A firm, agreed-upon agenda must exist before negotiations begin. The location of the talks must be open, neutral territory. All members of our delegations and press representatives must be accorded appropriate courtesies. In Admiral Joy's words, "We must not negotiate merely because the enemy wants to do so . . . We must negotiate not merely from strength, but with strength."

Our initial demands should be presented in carefully detailed drafts. As subsequent bargaining points, drafts should contain several proposals which are not essential to our interests but are known to be unacceptable to the Communists. Negotiators should be authorized to yield on these points only in return for concessions and agreements on issues which are critical to our side. Once presented, the demands must be repeated verbatim, day after day, unchanged and unchanging, until the opposition makes the first concrete offers of compromise. Our negotiators should refuse even to discuss vague or insignificant concessions. And, obviously, all demands should be reinforced with the maximum appropriate military pressure.

Finally, some recognition must be given to the fact that the geography and political subdivisions of Southeast Asia do not lend themselves to the creation of a neat, well defined Demilitarized Zone as in Korea. This fact certainly represents one of the great problems in devising effective means for peace keeping throughout the Indochina area. There is a critical requirement for a peace-keeping measure to take the place of the DMZ in Korea. A strong, neutral, independent supervisory agency, comparable to the Neutral Nations repatriation Commission in Korea, is suggested as one feasible solution. Such a body must be composed of true neutrals, not satellites of each side. The group must be afforded complete, unrestricted freedom of movement and the right to conduct thorough inspections on their own initiative at any point within all areas specified in the armistice agreement. The inspection units must be large and well armed so that they may not be inhibited in the performance of their duties except by the open, deliberate opposition of superior military force. Overt opposition would constitute an unambiguous threat to the peace, fully justifying the imposition of severe sanctions by the supervisory agency. Appropriate sanctions should be prescribed in the armistice agreement. The offended side would always have the option of resuming hostilities as the ultimate sanction.

The advantages of a strong neutral supervisory body are threefold. First, it could redress minor violations of an armistice promptly. Second, it would reduce greatly the danger of a resumption of hostilities due to a series of minor, ambiguous, threatening actions by one side. No claim is made that even the most aggressive supervisory authority could prevent the resumption of hostilities if one side openly breached the armistice in such gross fashion as to create an unacceptable threat to the other side. It is only argued that an effective, armed neutral agency can remove the aura of uncertainty from ambiguous situations, thus preventing the inadvertent and unintended resumption of hostilities. Third, a dynamic policing agency operating as a buffer between opposing forces might very well permit each side to reduce the number of nearby military units, thereby further reducing tension and the danger of serious incidents.

In this imperfect world, it may well be impossible to agree to grant this degree of authority and control to any neutral body. However, in the words of U Thant, Secretary-General of the United Nations:

". . . when the situation is serious enough, Governments are prepared to waive certain attributes of national sovereignty in the interest of keeping the peace."

When one considers that the only other apparent alternative in Vietnam is to accept the expense and danger of a semi-permanent armed truce, just as we now do in Korea, it is possible to believe that the better choice may be made.

By its very nature, a limited war tends to end in a form of limited peace. Whether the degree of peace we achieve in Vietnam will satisfy the basic security requirements of the United States and the Republic of Vietnam will be a direct consequence of the military force, skill, knowledge, and determination we bring to bear against our enemies during the negotiation of a final armistice agreement. Now is the time to begin!

Lower Rio Grande Water Committee and City of Harlingen Endorse Flood Control Plan

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, February 16, 1968

Mr. YARBOROUGH. Mr. President, a few days ago I asked for and received unanimous consent to include in the RECORD a resolution of the Cameron County, Tex., commissioners court endorsing the International Boundary and Water Commission's plan to prevent a reoccurrence of the flooding in the valley of Texas as followed Hurricane Beulah this past fall.

The city of Harlingen, located in Cameron County, was one of the urban areas that was hardest hit by the flood. That portion of the city along the Arroyo Colorado suffered very severe damage. Some 1,800 residences and other improvements were damaged, causing the evacuation of about 8,000 people which is equal to 20 percent of the city's population. A number of residences built below the high bank of the arroyo were flooded to the roof. Residences at the level of the bank were flooded to a depth of 3 to 4 feet. The crest of the flood in Harlingen was estimated to be 10 feet above the level reached in the 1958 flooding.

Naturally, the city of Harlingen is very interested in any future flood control preparation; and the city commission has passed a resolution endorsing with certain modifications the IBWC plan.

Two of the urban areas inundated by flooding in the valley, Harlingen and McAllen, are considered as in the lower valley. Thousands of acres of farmland in the lower valley were flooded, and some are still under water. Thus the Lower Rio Grande Water Committee is interested in increased drainage and flood prevention in the lower valley; and the committee in its meeting on January 26 passed a motion placing it on record as supporting the IBWC plan as it affects the lower valley.

Therefore, I ask unanimous consent that the resolution of January 23, adopted by the City Commission of Harlingen, signed by Mayor George F. Young, attested by the city secretary, Dorothy

Bernard, together with the letter of transmittal dated January 24 and signed by the city secretary, Dorothy Bernard, and the excerpt from the minutes at the meeting of the Lower Rio Grande Water Committee on January 26 concerning the IBWC plan, together with the letter of transmittal dated January 31 and signed by Jack Drake, secretary-treasurer, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION 68R-103 OF THE CITY OF HARLINGEN, COUNTY OF CAMERON, STATE OF TEXAS

Whereas, in order to prevent a recurrence of severe flood conditions experienced by the Lower Rio Grande Valley of Texas following Hurricane Beulah, the IBWC has proposed a plan for improvements to and control structures in the interior floodway system intended to limit the water elevation in the Arroyo Colorado River to 30 to 31 feet at the "F" Street bridge in the City of Harlingen, and

Whereas, although the maximum of 30 to 31 foot water elevation in the Arroyo Colorado at the "F" Street bridge in the City of Harlingen contemplated by the planned 21,000 cfs flow of water into the Arroyo Colorado during maximum flood condition, is a relatively safe water elevation, such plan is inadequate in the following particulars:

1. The 21,000 cfs maximum flow at Mercedes producing the 30 to 31 foot elevation at Harlingen does not take into consideration a potentially preexisting abnormal water elevation resulting from local heavy rains or use of the Arroyo Colorado in the Cameron County Drainage plan for drainage of excessive surface water, and

2. Such plan does not provide for restoration of river banks severely eroded by the Beulah flood and constituting a serious hazard to improvements existing adjacent to the Arroyo Colorado outside flood control easements nor for improvements necessary to prevent further erosion of such banks and the consequent complete destruction of such improvements, and

3. Such plan does not provide for work necessary to drain or correct stagnating pools left by the Beulah flood.

Now, therefore, know all men by these presents, that the City Commission of the City of Harlingen commends the IBWC for its expeditious efforts to protect the City of Harlingen and the Lower Rio Grande Valley from a recurrence of the Beulah flood and urges its immediate adoption and implementation with the following modifications:

1. That the control structure proposed at Mercedes to limit and control the flow of water into the Arroyo Colorado be designed with such flexbility as may be necessary to further restrict the flow of flood water into the Arroyo Colorado to such quantity as will not result in a water elevation of in excess of 30 to 31 feet at the "F" Street bridge in Harlingen, taking into consideration the amount of water existing in and to be drained into the Arroyo Colorado downstream from Mercedes;

2. That such plan be expanded to include such restoration of and improvements to eroded banks as may be necessary to alleviate the immediate hazard to existing improvements and to prevent further erosion in time of high and rapidly flowing water; and

3. That such plan be expanded to provide for drainage or otherwise eliminating stagnating pools left by the Beulah flood.

Be it further resolved that copies of this resolution signed by the Mayor and City Secretary be forwarded forthwith to Commissioner Joe Freidkin, International Boundary and Water Commission, Congressman Kika de la Garza and Senators Ralph Yarborough and John Tower.

Dated this 23d day of January, 1968.

GEORGE F. YOUNG,
Mayor, City of Harlingen.

Attest:

DOROTHY BERNARD,
City Secretary.

CITY OF HARLINGEN, TEX.,
January 24, 1968.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: At a special meeting of the City Commission of Harlingen held on January 23, 1968, the Commission unanimously approved the enclosed resolution.

Any consideration you can give to this resolution will be greatly appreciated.

Very truly yours,

DOROTHY BERNARD,
City Secretary.

Enclosure.

EXCERPT FROM THE MINUTES OF THE MEETING OF THE LOWER RIO GRANDE WATER COMMITTEE ON JANUARY 26, 1968

Chairman McManus said he felt that this problem is bigger than the individual and the groups, and the entire Valley must be protected from floods. He asked the committee's pleasure on the plan.

W. D. Parish moved that the committee go on record as endorsing this plan to improve the flood control system and to handle any future floods, which Commissioner Friedkin has submitted. Mr. Vaughan seconded the motion.

Mr. Etchison asked that the motion be amended to include "because of the assurance Commissioner Friedkin has given us that the government will do all in its power to protect the bridges and pumping stations, if feasible and reasonable." Mr. Parish and Mr. Vaughn agreed to the amendment being made. The question was called. The motion, as amended, passed unanimously.

LOWER RIO GRANDE WATER COMMITTEE,
Weslaco, Tex., January 31, 1968.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: The Executive Committee of the Lower Rio Grande Water Committee has unanimously gone on record as approving Commissioner J. F. Friedkin's proposal regarding increased drainage for flood protection in the Lower Rio Grande Valley of Texas.

This action was taken at a meeting held in the Lower Rio Grande Valley Chamber of Commerce auditorium on Friday, January 26.

It is the Committee's feeling that the raising of the levees and the changing of the diversion channels will meet the needs of this area.

Your support of this project will be deeply appreciated.

Very cordially,

JACK H. DRAKE,
Secretary-Treasurer.

How Powerful Are We?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 1968

Mr. ROSENTHAL. Mr. Speaker, the seizure of the U.S.S. *Pueblo* raised many questions, most of which have not been answered yet. An enormous question about how America uses its power in the world has not been raised clearly enough by this unfortunate incident. Richard Rovere, in a recent New Yorker Letter from Washington, asks what kind of power we have that can get us into various difficult situations yet seems helpless to get us out. His article follows:

LETTER FROM WASHINGTON

JANUARY 27.—The official statements are tough, self-righteous, unyielding, ungraceful. But below what may be called the "spokesman" level, the word is being passed that there will be no use of force, and that if all else fails, as all else now seems bound to do, the government will drop its demand for the return of the Pueblo and seek only the release of its crew. This may not be information but a kind of extrapolation—a reading of the "options" by subordinates whose thinking may be colored by their hope of getting out of this mess as quickly as possible. It is, of course, far from certain that the North Koreans would find such a deal acceptable. If it interested them at all, they would probably demand that along with the addition to their navy, in which the Pueblo would be the largest ship, they get some kind of acknowledgment of wrongdoing on our part and some assurance that we will in the future keep a healthy distance from North Korea's territorial waters.

If it comes to that, it is being said here, an apology will reluctantly be made. (Senator Mansfield has this afternoon advocated that we put all questions of fact aside and make any apologies required to free the Pueblo's crew and avert war.) Again, all this may be nothing more than a prophecy by interested persons who would like to see it fulfilled. No one knows whom, if anyone, the President is listening to these days, or whether there is in the Administration anyone challenging his judgment and pleading with him to take a hard look at the available courses of action and inaction. In any event, the view of most observers here is that the only alternative to a compromise that would surely be humiliating to the government is a war that it is in no way—not even militarily—prepared to wage. In dealing with a country which we do not recognize, which we bar from membership in the United Nations, and with which we have no normal relations of any kind, our power avails us little. We can communicate with North Korea only through field commanders on an armistice line and, if we can find any, through intermediaries who have more sympathy with its position than with ours. We have nothing to threaten but destruction, and nothing but destruction to withhold. There is little to negotiate except that which by definition is not negotiable.

Most people here are as skeptical as any Communist diplomat could be of the Administration's account of what happened in the Sea of Japan earlier in the week. It is not only that the Administration's record for veracity is so poor; it is as much a case of doubting whether the government, regardless of how it planned to deal with the public, is even capable of getting at the truth. How can Arthur Goldberg or Dean Rusk know where the Pueblo was in the days and hours before its capture? Who would tell them, and why should they believe their informants? The only assurance that Rusk could give the Senate Foreign Relations Committee was that the ship's commander was under instruction to stay at least thirteen miles offshore. He said that its radio had been silent until shortly before the seizure; if true, this suggests that the Pueblo was concealing its position.

After testifying at the closed hearings, the Secretary was asked by reporters whether at any previous time the Pueblo had ventured within North Korea's twelve-mile limit. He

said, "We have no information whatever pointing in that direction." This was candid enough; had he gone on, he might have said that he had no information pointing in *any* direction. It can be doubted whether anyone in high appointive office had ever before heard of the Pueblo or understood the missions that it and similar vessels were supposed to be performing. And a knowledge of what it was authorized to do would not necessarily be the same as a knowledge of what it was actually doing. Even today, it seems impossible to get a straight answer to the question of which office in the Pentagon or the C.I.A. or whatever the ship's commander reported to. If the reason could be security, it could also be ignorance and confusion; it could be that no one wants to talk, or it could be that no one knows how to find out. And there is an understandable vagueness, which may not be dictated by security, as to what benefit the republic derives from the existence of such ships (known in the trade, it seems, as "elints"—gatherers of "electronic intelligence") and the data they are said to send back. What is the point of having all this gadgetry afloat in the Sea of Japan "monitoring" North Korean "communications"?

The official reply is that with fifty thousand American troops south of the Thirty-eighth Parallel it is clearly advantageous to learn in advance of any hostile intentions on the part of North Korea. But now it seems that anyone with a cheap transistor radio could have picked up North Korean announcements broadcast only a week ago—not in any code but in crude, clear English—that American "armed spy boats" were in imminent danger. It would seem that either the Pueblo's equipment was, in Pentagonese, too "sophisticated" to pick up messages so conventionally transmitted or, as it is only too easy to believe, the warnings arrived and were immediately thrust into a file cabinet or an off-duty computer, unread and undigested by any human being.

Two crises in this decade—this one and the one in 1960 that followed the downing of the C.I.A.'s U–2 spy plane near Sverdlovsk—arose as consequences of the malfunctioning of an intelligence system that has no excuse for being except as an aid to the avoidance of the kind of danger we now confront. It can be maintained that at times—perhaps more times than the public has ever been told about—the system has helped keep the peace. It was a U–2 that detected the Soviet missile emplacements in Cuba in 1962; this led to an extremely tense period but probably nowhere near as dangerous a one as we would have faced if knowledge of the installations had come at a later time and by some other means. U–2 flights in the closing months of the Eisenhower Administration have been credited with gathering the evidence, generally regarded as authentic, that we had greatly overestimated Soviet nuclear and missile capacity. This was useful to know; without such information, it is unlikely that the test-ban treaty of 1963 could ever have been negotiated. But a crisis as severe as the present one followed the shooting down of the U–2 piloted by Gary Powers, and there were then, as there are today, people asking whether such risks are worth taking.

There can, of course, be no closely reasoned answer, since it is given to very few to know what the "intelligence community" does with the money and equipment provided for it, and among those who do know there are probably very few who have the kind of moral and political judgment that would give any serious person reason to respect their opinions. But if we apply to the C.I.A. and other intelligence agencies a general knowledge of the functioning of bureaucracies, we can be reasonably sure that a great deal is being done that is of no benefit to anyone except the people thereby provided with employment.

This is an inflexible rule of government, testified to most recently by those ambassadors who were elated at the news that, to cut down overseas spending, all embassy staffs were to be reduced by ten per cent. And it would seem to follow that secret bureaucracies are more given to pointless, mindless operations than those that are more or less subject to the scrutiny of Congress and the press. Since some of what these faceless bureaucrats are up to can expose us and the rest of the world to the danger of wars that could lead to extinction, it is hard to escape the conclusion that our lives are all quite often at the mercy of mere boondogglers.

When and if the present crisis is past, there will be some kind of congressional investigation, accompanied by demands for closer civilian surveillance of those who are supposedly in the business of military surveillance and the gathering of intelligence. But this is merely one aspect of the way we use our power, and the largest question raised by the events of this week is how it has come to pass that our power is so useless in achieving the ends our government professes to seek and is so often a source of danger not to our "enemies" but to ourselves. Because the B–52 bomber, armed with hydrogen bombs, that crashed in Greenland fell far from centers of population and in nominally friendly territory, it did not bring on a crisis similar to that caused by the Pueblo's capture. But it might have fallen elsewhere and made the week doubly agonizing.

People here were almost as much surprised to learn that such a plane had been in the air as they were to hear of its falling. Although the Strategic Air Command was never dissloved and probably never will be, there was a mistaken but widespread impression that, whatever disasters they might ultimately lead to, our intercontinental ballistic missiles and Polaris submarines had at least reduced some of the dangers of maintaining an "airborne alert" at all times. But, clearly, the dangers have simply multiplied, and if it can be said that this is what invariably happens when power is endlessly being added to power, it must also now be said that this seems to be about the only thing that happens.

In the late fifties, there was great dissatisfaction with the Eisenhower Administration's military policy, which was to place almost complete reliance for the prevention of war on nuclear deterrents, on our capacity for "massive retaliation." A number of military men and many Democratic opponents of the Administration, among them John F. Kennedy, argued that this was the most perilous of courses. It meant that any conflict in which we were engaged would shortly have to become a nuclear conflict, and that we had no way of defending American interests except an ultimately self-defeating one. The cry then was for "balance" and "diversity" in military defense, and in 1961 Robert McNamara set about reorganizing the armed services so that they might be able to fight "limited wars" for limited ends.

This sounded sensible at the time, and perhaps it is still a sounder policy than the one that had been in effect; we can never know whom, if anyone, we should thank for the fact that we are still alive. But what is surely the case is that, except insofar as our nuclear weapons may be preventing general war, our military power is not of much use, even in the pursuit of military victory. We have created the kind of forces we were told were needed in order to fight "brush-fire wars"—several of which, it was said, might be going on simultaneously—and yet we cannot "win" even the one in which we are currently engaged. And in the last few days we have been advised by our military men that if the Korean war were resumed, the drain of Vietnam on our resources would compel us to employ "tactical" nuclear weapons.

The power we have today can get us into trouble of many kinds, but it seems useless for getting us out. There seems to be no way in which its use or the threat of its use can achieve even as small and defensible an aim as the return to our shores of eighty-three of our citizens. It is, in fact, the cause of their detention; in a similar fix (if one can be imagined), it would probably be easier for Costa Rica, which lacks any military forces, to obtain the release of her nationals. One cannot, to be sure, maintain that American power has no beneficent uses, no excuses for being, and that we should emulate Costa Rica in having none of it. The world is, as the Secretary of State keeps saying, "a violent place," and our power has at times been used for the lessening of violence and in defense of humane aims. But now it seems to stand in need of at least as much reassessment as it did in the late Eisenhower and early Kennedy years. At its present level and in its present deployment, it seems damaging to just about every legitimate interest we have in the world and a threat to our own society.

HOUSE OF REPRESENTATIVES—*Monday, February 19, 1968*

The House met at 12 o'clock noon.

His Beatitude Elisha II, the Armenian Orthodox patriarch of Jerusalem, offered the following prayer:

From Jerusalem, the City of David, from Jerusalem, the site of the Temple of Solomon, the Church of the Holy Sepulchre and the Mosque of Omar; from the height of Mount Zion and the Armenian Cathedral of St. James, where for centuries pilgrims have prayed for peace; from Bethlehem, the birthplace of our Lord, from the holy shrines sanctified by His passion and glorified by His resurrection, we extend our hand and our heart and our prayer:

Almighty and beneficent God, endow us with the grace to invoke Thy blessing upon the men and women of this honorable assembly, the House of Representatives, and the illustrious Speaker, that they may legislate in the spirit of the holy dimension of their existence. Help them, we beseech Thee, our Lord and Saviour Jesus Christ, in their deliberations to relate to the ultimate and integrate the self into the holy order of living.

With gratefulness which makes the soul great, we pray that You intervene in their lives, that Your will prevail in their affairs so their bond with the past will continue to engender hope for the future.

Father of all men, implant in this noble body the strength to uphold the ideals cherished by the Founding Fathers of this great Republic and in the radiance of the Founding Fathers let them behold the worth of effort and determination. Amen.